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Cambridge Historical Society
Publications

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PUBLICATIONS

VII

PROCEEDINGS

DECEMBER 21, 1911—OCTOBER 22, 1912

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CAMBRIDGE, MASSACHUSETTS
Published by the Society
1913

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Ft. Wayne, Indiana

THE UNIVERSITY PRESS, CAMBRIDGE, U. S. A.

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PROCEEDINGS

OF

THE CAMBRIDGE HISTORICAL SOCIETY

THE TWENTY-THIRD MEETING

THE TWENTY-THIRD MEETING of THE CAMBRIDGE HISTORICAL SOCIETY was held in memory of Thomas Wentworth Higginson on the twenty-first day of December, nineteen hundred and eleven, at a quarter after eight o'clock, in Sanders Theatre, Cambridge.

The President, RICHARD HENRY DANA, presided.

The order of exercises was as follows:

INTRODUCTORY REMARKS . . . . . RICHARD HENRY DANA.
PUBLIC CAREER OF THOMAS WENTWORTH HIGGINSON,
HON. SAMUEL W. MCCALL, LL.D.
THE HELPER OF WOMAN'S CAUSE . . . . MRS. LUCIA AMES MEAD.
THE CITIZEN AND NEIGHBOR . . . . REV. S. M. CROTHERS, D.D.
THE MAN OF LETTERS . . . . . BLISS PERRY, LL.D.

President DANA made the following introductory remarks:

LADIES AND GENTLEMEN, MEMBERS OF THE CAMBRIDGE HISTORICAL SOCIETY: The Committee of the Cambridge Historical Society in charge of the proceedings this evening have permitted me, as President of the Society, to say a few words about Colonel Higginson's work in Cambridge politics.

He represented Cambridge in the State Legislature for

two years, 1880 and 1881. The time at my disposal is too short for me to say more than that we were proud of him, and wished he might have continued to honor us with his presence in the General Court for many years thereafter. He showed his independence by opposing the bill for biennial elections — though it was favored by most of his prominent supporters — believing that on any issue not involved in the campaign a Representative, after hearing all that could be said on both sides, should act on his own best judgment.

Beside running for Congress as Free Soil candidate in 1850, before he came to Cambridge, he accepted in 1888 the Democratic and Independent nomination for Congress in our district against Gen. N. P. Banks, then an old man, an ex-Governor, ex-Speaker of the national House of Representatives, and a distinguished orator, the Republican candidate in a district that was supposed to be overwhelmingly Republican. This was the year when President Cleveland after his first term was defeated by Mr. Harrison, and when there was a general return to the Republican party all over the country; and Colonel Higginson, too, was contesting the seat against a candidate about whose name had gathered much sentiment and even romance. Notwithstanding all these disadvantages, Colonel Higginson reduced the usual Republican majority by about one-half, ran ahead of the vote for Electors for President Cleveland in the district, and, I believe, prepared the way for the choice in the next congressional election of 1890, on the same platform and from the same district, of Mr. Sherman Hoar. In his letter of acceptance Colonel Higginson said in part: "It [the election of Mr. Cleveland] has put an end to the delusion that only one of the two great parties is truly patriotic or can be trusted with the government, this being a theory which strikes at the very root of Republican institutions. . . . For the first time in many years we have a president who practically leads both parties." And again: "Every party which elects upright men is entitled to the credit of their good action, just as every party which nominates unscrupulous men, or even takes them for its real leaders while going through the form of nominating some one else, drops to their level and is responsible for their misdeeds."

During the campaign, being pressed to answer the question what he should do in Congress if a question came up from the Committee on Elections as to the admission of a certain member, Republican or Democrat, he replied: "What should I do as a Democratic member? I should do just the same, I trust, as if I were a Republican member — look into the facts as they were and give my vote without fear or favor. You say, 'It is easy to talk, but you would n't find it so easy when the pressure came.' What is the 'pressure'? What pressure need be brought to bear upon a man who is nominated by a party without his asking, without its asking for any pledges, nominated by acclamation, simply with the request that he should go to Washington and do what he thinks right? They say, 'It is n't so easy when you get there.' I dare say not. It is n't to do easy things that men are sent to Washington, I supposed; I supposed it was to do difficult things. . . . I don't say it is an easy thing for a man to stand up against his own party, but I think that every man who dares to represent this or any district of Massachusetts in Congress ought to be able to say as Dr. Channing said when he was asked what he would do under certain circumstances. He said: 'What I *can* do in the hour of trial may be doubtful, what I *ought* to do is plain, and what I *desire* to do is known to the Searcher of all hearts.'"

Colonel Higginson was a regular voter at both caucuses and elections up to the very last, no matter how old or feeble he was or how bad the weather. In Cambridge municipal

affairs he was a member of, and contributor to the various associations for good government that succeeded one another in this city. He presided and spoke at many of the campaign meetings, and his name and influence were eagerly sought on every local issue; but no one need think that he signed his name, as so many do, because requested. No matter how influential were the leaders of the organization who brought a paper for his signature, he always, as I know from my own experience, asked the most searching questions and brought to bear his rich knowledge of men and policies before deciding what action to take; and this care often resulted in improved wording of the circulars, and in some cases in a changed course of action. At political meetings, whether as speaker or presiding officer, he maintained the same self-possession and delightful sense of humor which so brightened his literary work. This is illustrated by one occasion when, Mr. Higginson being in the chair, two prominent members of the meeting became involved in acrimonious personalities addressed directly to each other, and which became very bitter. Colonel Higginson rapped with his gavel, and in the sweetest and most quiet manner said, "Believing in the importance of parliamentary procedure, I shall ask the gentlemen hereafter to address their personal remarks to myself." The idea of addressing such remarks to Mr. Higginson struck the whole meeting as so ridiculous that they burst into laughter and the ill feeling was immediately allayed.

I shall ask the Chairman of the Committee in charge of this meeting to read a selection from a number of very interesting letters,— Mr. William Roscoe Thayer.

Mr. William Roscoe Thayer. Mr. President, Ladies and Gentlemen: The date of this meeting, which falls on the eve of Colonel Higginson's birthday, unfortunately comes so

near Christmas that many of the persons to whom we sent invitations could not come. The many varieties of persons to whom invitations needed to be sent bore in upon me and the other members of the Committee the very wide contacts of the man. I shall read three letters, brief letters, but I think each in a way shows not only a personal appreciation of Colonel Higginson, but also that the manner in which each of the writers came into personal contact with him was very different from the others. The first is from the editor of "Harper's Magazine":

Editorial Rooms, Harper's Magazine, New York.
December 8, 1911.

Dear Mr. Thayer:

I regret that I cannot be with you on the 21st, but I most heartily join with the Cambridge Historical Society in its tribute to Colonel Higginson, to whom America owes so much for what he was, for what he did, and for what he wrote. His association with Cambridge is most intimate in the minds of us all; and for vivid portraiture of Cambridge life and society, and his disclosures of the men and women who gave distinction to that earliest important seat of culture in America, no writer has done more. But if he dwelt lovingly and luminously where he was born to dwell, he could not be provincial — even Cambridge he delocalized and made national. In the field of practical service he gave everything he touched the same expansion, till it was coterminous with the Commonwealth — with humanity itself.

Uniting with all his friends in loving and grateful memory,

Yours faithfully,

H. M. Alden.

The next is from Henry Van Dyke:

Avalon, Princeton, N. J.

Dear Mr. Thayer:

I am very sorry that a previous engagement for December 21st will prevent me from being present at the meeting to honor the memory of that true American gentleman and delightful writer, Thomas Wentworth Higginson. There was a fine courage in his life, a sincere courtesy in his behavior, and a clear charm in his written and spoken words which made him distinguished among his brother-men and fellow-citizens, to

whose welfare he was devoted and in whose service he fought and labored. He was young with vigor, and he grew old with grace.

The rolling years remove familiar figures and bring new types of citizenship and authorship. But they are not likely to bring a more sincere, devout, and gracious type of democratic aristocrat than Colonel Higginson. I feel his departure as a personal loss, and cherish his memory with affection and high regard.

Sincerely yours,

HENRY VAN DYKE.

December 14, 1911.

And the last is dated at the British Embassy, Washington, D. C.:

BRITISH EMBASSY, WASHINGTON, December 11, 1911.

DEAR MR. THAYER:

Greatly to my regret I cannot be present at the exercises to commemorate the character and services of my dear old friend, Colonel Thomas Wentworth Higginson. It would have been a pleasure to me to join in a tribute to the dignity and worth of a career always devoted to high ideals, as well as to the kindliness and warmth of his nature. He was a grand specimen of the old New England type, unshaken in principle, full of courage, strenuous in good causes, and the example he set deserves to be cherished, not only by his friends, but by all who remember the Civil War period, and what Massachusetts did in those trying times.

Believe me to be

Very truly yours,

JAMES BRYCE.

MR. DANA. Substantially the same congressional district for which Colonel Higginson ran as a member of Congress in 1888 has been represented for a good many years by a member who has had the same characteristics for courage and independence of party rule which Colonel Higginson himself exhibited and which has not rendered him unpopular in this day of historic rebellion against all kinds of tyranny. You have all heard of him as a radical leader in affairs of our own time. I may say that the speaker has hurried on from Washington, where he was busy in the debates on the Russian treaty, and he just barely got here in time for this

meeting, for which we are all extremely grateful. I have the pleasure of presenting to you the Hon. Samuel W. McCall, representing this district in Congress.

Mr. MCCALL delivered the following address:

PUBLIC CAREER OF THOMAS WENTWORTH HIGGINSON

THE thing that most impressed me in examining somewhat carefully the political career of Colonel Higginson was his readiness for public service without regard to any personal distinction that might come to himself. In writing about his own life in 1898 he said: "In looking back fifty years, I cannot put my finger on five years when I myself was not performing some official service for the city or State or both simultaneously." He served upon the School Committee in all the four places in which he resided. In three of them where there was a public library he was a member of its Board of Trustees, and in the fourth place, which had no library, he was a leader in the movement to establish one. He was one year at the head of the Governor's staff, two years in the State House of Representatives, three years on the State Board of Education, and seven years State Military and Naval Historian.

This is simply the record of his connection with the civil departments of government. There remains his service in war and upon the lecture platform, which is next to the political platform, and where he did much that was of an important public character. He seems to have enlisted for life in the public service. Much of what he did was gratuitously done, and all of it was entirely disinterested.

His service in the army was as colonel of a regiment, and when he retired because of the effects of an injury received in battle he might doubtless have retired with the rank above his own, but he thought the rank of brigadier-general would be too high for a civilian to live up to, and he preferred to keep his fighting rank. That same notion seemed to govern him in his civil career. He was animated not by a desire to win personal glory, but by a wish to render public service.

The first important part which he took in politics was as a candidate for Congress in 1850 from the Newburyport district. This nomination was forced upon him, and after he had been chosen he attempted to get Judge Josiah G. Abbot to run in his place. But Judge Abbot declined on the ground that he would immediately get into quarrels with Southern members and would have to fight duels to which he was conscientiously opposed. If we may judge from Colonel Higginson's career, he might have made even more strongly the same objection, for while he was not of a quarrelsome disposition he never seems to have avoided a fight which came his way, and his whole record shows that he was on very good terms with danger. His most important contribution to the campaign of 1850 was the address which he issued to the voters of the Third District, and it will rank with the best political manifestoes of that time. It presents with great vigor the arguments against the slavery compromises of that year, and his argument acquired even greater force from the restraint with which he stated it. There was no vituperation, there was very little of personality, but there was a powerful statement of the evils of the Compromise, and especially of that part of it which related to the return of fugitive slaves and to permitting the new Mexican territory to enter the Union with slavery. He was willing to take his stand with the Free-soil party, and declared that if he ever could find another party truer and wiser in freedom's cause, "I trust I may be able to take any place that may be assigned to me in its ranks without ambition and without a fear." He was of course not elected, because his party was in a small minority in the district. For the next ten years his public service was mainly upon the lecture platform and especially in support of the antislavery agitation.

The first office of more than local importance that he ever held was that of captain of a company of volunteers near the beginning of the war. But before he saw active service in this position he was asked to take the command of the first negro regiment organized in the Civil War. He accepted this post and was highly successful in it. His regiment was an untrained body of men, only recently out of slavery, and Higginson showed remarkable tact in controlling them and in establishing discipline. It scarcely needs saying that he displayed great coolness and courage under fire.

Not the least notable part of his public service was rendered as a member of the Massachusetts House of Representatives. He invariably took the democratic position, not in the partisan sense but in the best meaning of that term. In his "Cheerful Yesterdays" he gives it as his firm conviction that there never was an honester body of men than the two Massachusetts legislatures of which he was a member during the early eighties. That opinion of the general integrity of our legislatures is held by most of the men who have served in them and have had an opportunity to know them. Probably he was told by the press, as we are apt to be told to-day, that each one of these legislatures was more corrupt than any of its predecessors. The people make of their legislature a species of pillory, and when they wish to pelt a man they "honor" him with an election to it. This constant denunciation of their chosen agents has led the people in the direction of what is sometimes called taking the power into their own hands, and the culmination of this movement in the initiative, referendum, and recall will be likely to embark society in a hot-air balloon that is not even dirigible, so that it may scud before every wind that blows.

It is refreshing to have Higginson refute the notion that there is any general feeling of jealousy or hostility toward what is called the scholar in politics. He modestly says that he had been much oftener saddened by the too great deference of men who were his superiors in everything but a diploma than by jealousy. His observation was undoubtedly just. It is good, too, to note his shrewd conclusions regarding public speaking which he had reached by observing those who had spoken upon the same platform with himself. It offended his soul to have a fellow-speaker flatter and cajole an audience and cover it with palaver, instead of standing squarely upon his feet and delivering his message even though it were an unpopular one.

When there was what amounted to civil war in Kansas to determine whether it should be a free or a slave State, he was prominent in organizations which sent to that Territory many stanch emigrants in favor of freedom, and, not content with sending others, he himself went out at the head of a large party and exposed himself freely to the dangers that then threatened

one who held his views upon slavery and who was ever ready to express them. He was made one of Lane's brigadier-generals, although that honor was rather a sounding one because Lane seems to have commissioned enough brigadiers to supply a great army. But it was not by fighting, but by the influence he exerted personally and through the antislavery men he led into the Territory, that he proved a strong force for making Kansas a free State.

The relations of Higginson to John Brown's raid at Harper's Ferry, which at the time received a good deal of criticism, have been made clear by Higginson himself and in Villard's admirable life of Brown. Brown wrote Higginson for assistance in the enterprise of freeing slaves which the former proposed to carry on in the mountains of Virginia, and Higginson was very ready to assist him by raising money. Brown's first plan miscarried so far as going to Virginia was concerned, and upon renewing it a year afterward Higginson was unable to take any part of consequence in the movement and, as he said, the affair had come to seem to him chimerical. But when Brown's enterprise took so startling a form and suddenly came to disaster, Higginson did not attempt to shirk any share of the responsibility; in fact, he seemed willing generously to take a larger share than was really his. He took the position toward the others who had raised money for Brown that, having approved the latter's plans, as they understood them, it was better to stand their ground and give him some moral support at least on the witness stand. His name was given in an anonymous letter to Governor Wise as one of two men who could explain the whole of Brown's plot, and he was threatened with arrest. He declared that his arrest would have been quite superfluous, for, as he said, he would at any time have been ready to go, when summoned, and nobody questioned that. After Brown's conviction Higginson, wishing to rescue him from prison, went to New York and arranged for Mrs. Brown to go to Harper's Ferry in furtherance of the scheme. But when Brown heard of it, he positively forbade any attempt to carry it out.

While Higginson was not disposed to shirk one particle of responsibility, it is clear that he did not understand the exact nature of the raid beforehand, as it was actually put into execution, and

the same is doubtless true of most, if not all, of the other people in Massachusetts who were interested with him. So far as I have been able to learn, Higginson supposed that Brown intended to establish an underground railway, such as he had operated in Missouri, and that it was his object to free individual slaves, to conceal them in the Alleghany mountains and if necessary to defend their freedom. When it came time for Brown to put his plan into execution, with a remarkable aberration of judgment, he openly began war upon the national government by capturing the arsenal at Harper's Ferry. Frederick Douglass attempted in vain to dissuade him from the plan and gave him sensible advice. The attack on the arsenal Douglass declared was an attack on the federal government and would array the whole country against him; it "was a perfect steel trap," Douglass said, and once within it, he would never be able to get out alive. The enterprise as Brown developed it was entirely impossible of success and resulted in the destruction of many lives, the first victim being an innocent free negro. Mr. Villard in his life of Brown, in which he shows a remarkable desire to chronicle the exact facts, leaves little room for doubt, upon the material he has collected, as to the cause of Brown's extraordinary action. Mr. John M. Forbes, at whose house Brown once visited, spoke of the look of insanity in his "glittering gray-blue eyes." Brown's own personal history and that of his family would have made perfect the defense of insanity, if any additional evidence were needed to that which the character of the raid itself afforded. He certainly did not have the kind of responsibility that should have sent him to the scaffold. The undoubted effect of the raid was to produce a genuine alarm in the South. It is not so clear that it strengthened abolitionism in the North. At any rate, this much is true—that in the critical winter of 1860–61 the cause of abolitionism seemed to have less strength than it had ever had after it had become an established agitation. The most abhorrent compromises with slavery, such as had never been dreamed of by the Whigs, were passed through both Houses of Congress by the votes of the Republican members. As to one of the important counts in the indictment against Webster, his acceptance in the Compromise of 1850 of the proposition that certain Territories should be permitted to decide for themselves whether they would

have slavery when they should be admitted to the Union—that was one of the mildest of the compromises offered and voted for by Republicans in Congress in the winter of 1860. Freedom was indeed brought about by a revolution, but it was not a revolution inaugurated by the enemies of slavery but by its friends. The force that won freedom was the force of law. We can all admire Brown's fervent zeal for freedom, but it would be very dangerous to sanction the methods which he employed. Slavery was a terrible thing, but in the opinion of men living to-day there are many other terrible things in society. Often real wrongs find shelter for a time under any system of government, as well as fancied wrongs, and often men whose minds dwell upon a single evil will come to think of it as the sum of all evil. Men have a laudable way of devising political inventions for making society better, if not perfect. These are somewhat like the inventions in the Patent Office, a very large proportion of which are ingenious but not practical, and it often happens that the less of real value a political or mechanical invention has the more it is believed to have by the man who possesses it or who is possessed by it. Some of these inventors are likely to take the law into their own hands, and, if they cannot do so peaceably, to employ violent methods to establish their reform. The true method of providing remedies under a government like ours is by a resolute and lawful agitation such as Garrison employed. Any other principle than that would make violence the agency of reform, dynamite and the dagger would take the place of discussion, and government by law would cease to exist.

Higginson was ready to fight for his ideas, and when the irrepressible conflict finally came he was willing to risk his life for that freedom which he worshiped in his soul. The study of his public career shows him to have been a wholesome, invigorating, and beneficent force in public as he was in private life. He was ever ready to lift up his voice for unpopular causes if only they were just. His career affords a splendid example of the unselfish, courageous, and sane devotion of brilliant talent to the public service.

Mrs. Lucia Ames Mead then read the following paper:

THE HELPER OF WOMAN'S CAUSE

It is fitting that on Forefathers' Day we should meet to commemorate the life, rich in years, in culture and beneficence, of a descendant of that noble, virile stock of Puritans who led an exodus which Lowell deemed the most significant since Moses led his little band of outcasts out of Egypt toward the Promised Land.

> Three hundred years and more his blood had run
> In no polluted course from sire to son,
> And thus was he predestined ere his birth
> To serve the land whereto his fibers felt instinctive sympathies.

Just three centuries ago, Colonel Higginson's saintly progenitor was laying in Jesus College, in England's Cambridge, the foundation for that culture and courage which he transmitted to his long list of noble descendants when, by the "rude grasp of that great impulse which drove him across the sea," he came to Salem's rocky pastures and salt marshes. It is also as a pioneer that America's Cambridge honors its distinguished citizen to-night.

Others will speak of his learning and rare literary gifts, of his love of freedom of religious thought, of his heroic service to his black regiment in which he risked ignominious death upon a Southern gallows. But it is my special privilege to voice the gratitude of that half of America's citizens who owe him a peculiar debt for his chivalric, pioneer service in the cause of justice to woman. Colonel Higginson was a knight *par excellence*, *sans peur et sans reproche*. In early life, in addition to espousing two other unpopular causes, he championed the cause of wives and mothers whose position before the law of that benighted time was scarcely more than that of a domestic servant.

He saw a weeping child torn from its mother and sold upon the block in a slave market in Missouri, and the righteous wrath that blanched his cheek nerved his hand to take the sword in mortal combat against that "earth-born Cyclops," slavery. In a court room in Massachusetts he saw two weeping children torn from their mother by a guardian appointed by their dead father. Because she had married again, the law of the State took from her all right over her own flesh and blood. The young divine's cheek blanched

with the horror of the tragedy, and he thereupon pledged himself to do all that lay in his power to redress the wrongs against women inflicted by cruel law and medieval tradition.

It is difficult indeed for us women of the twentieth century, free to travel and work and study as we will and even, unridiculed, to speak from platform and pulpit, to visualize the Massachusetts of that day. There was then in Boston no high school for girls, though since 1632 the city had provided that white and even Indian boys should be trained for admittance into Harvard College. In 1825 a high school had been opened as an experiment, and it was soon so crowded that the experiment became an "alarming success" and was abandoned. When Mr. Higginson wrote his first plea for the education of woman, only one college in the country — Oberlin — stood open to her as against about three hundred and seventy-five at present. At that date no mention of woman as maid, wife, or widow was on the index of the journal of the House of Representatives of Massachusetts. No woman could be a witness and proceed against her husband for desertion. She could not hold trust estates. Her husband could, by will, deprive her of every part of his property and also of what had been her own before her marriage. The husband owned all of the wife's real estate and her earnings. She could make no contract and no will, and could have no redress at law if her husband took her children, her clothes, her earnings, and neglected to support the family. Even if unmarried, she could hold property only through trustees.

It will be remembered that it was only after a frightful tragedy, in which a mother, driven insane by a brutal husband, butchered her six children to keep him from taking them from her, that the law was altered in this State; yet to-day, in all but fourteen States, this infamous law still holds good. Mr. Higginson tells us that in 1852 he found women teaching in grammar schools for $175 per annum and men doing the same work receiving $500, and he quotes a legal authority of that date who said, "the husband may in the plenitude of his power, adopt every act of physical coercion which does not endanger the life and health of his wife." "We rob woman of the right to the soil she stands on," said the indignant preacher, "and then beg leave to offer her a chair."

His great contemporaries — Emerson, Lincoln, Sumner, Garrison,

Phillips, Mark Twain, Beecher, Senator Hoar, George William Curtis, Longfellow, Whittier, Howells, Phillips Brooks, and, more especially, Samuel Sewall, James Freeman Clarke, and Theodore Parker — shared his belief in woman suffrage and occasionally used voice and pen in its advocacy, but it was our friend who, more than any other, from youth to age, spoke most persistently and persuasively. He was as truly a pioneer as he who with Bible and axe plunged into the rude wilderness, ever ready to cut a pathway for feebler feet and to build a temple of justice where special privilege should find no advocate. He loved the goddess Freedom, and he was not dismayed by the grotesque and irritating satellites that follow too often in her train. He was a lover of democracy and, sensitive as he was to the delicate refinements of life, he had the radium power of revealing her true being behind the rough exterior in which the goddess often masks.

"I should far rather be governed by the community as a whole," said he, "than by my ablest friend and his ablest friends. The safeguard of scientific legislation may be in the heads of a cultivated few, but the safeguard of personal freedom is commonly in the hands of the uncultivated many."

Emerson, with profound wisdom, has told us that the measure of a man's intellectual attainment is his power to perceive identity. Colonel Higginson had this power in high degree. Beneath the black man's skin he saw the human soul, identical with his in its ultimate potentialities. Beneath a humble bonnet and shawl he saw the citizen, obliged to obey lawmakers, but, unlike himself, without a voice in changing them, and he found her cause identical with his. Therefore he sharpened his sword for combat against hoary prejudice, tradition, and inertia, which kept his sword unto the end unrusted and unsheathed. Like Landseer's picture of "Dignity," he looked serenely past the barking pup of popular prejudice and cared not a jot for jeer or gibe.

Colonel Higginson was no Arthurian knight tilting in tournaments to win the favor of fair ladies. He was rather a knightly elder brother, unenamoured and unbewitched, and knowing intimately the humdrum commonplaceness and deficiencies of his inexperienced sisters. He was no flatterer and never offered the sickening adulation to women which usually implies real dis-

respect. The frivolous dames of Newport he compared with the foam on their broad beach. The type of women that he honored were the earnest souls who made with him the quiet, stubborn, never-ceasing protest against those laws and those traditions which hindered human freedom and efficiency. It was women like Lucretia Mott, Mrs. Stowe, Miss Anthony, Lucy Stone, Mrs. Cheney, Mrs. Livermore, and Mrs. Howe that he delighted to honor, and it was to these and their feminine comrades in the suffrage movement that he attributed the influence which finally removed those laws which so long disgraced our Massachusetts code.

Out of Colonel Higginson's fifty books, four, besides his life of Margaret Fuller, concern women. It was owing to the influence of his book, "Shall Women Learn the Alphabet?" that the donor of Smith College made her generous gift to women students. For years he contributed weekly an editorial to the "Woman's Journal." His "Common Sense about Women," I wish might be put into the hands of every college graduate, for the young man to-day needs a far greater comprehension of woman's history and point of view than sufficed his grandfather. "I have never been able to see that there was a quality or grace of character which really belonged exclusively to either sex or which failed to win honor when exercised by either. The life which is common to the sexes is the principal life; the life which each leads as such is a subordinate thing," he said. He criticised Darwin for failing to note in his list of men's superior attainments that in nearly every case of masculine pre-eminence woman was excluded from any fair competition, and he claimed that woman was now gaining on man in at least prose fiction and dramatic representation. He saw that the empire of the past properly belonged to man, as it was an empire of force, and woman was naturally subordinate. But since, in the fullness of time, release from slavery to the spinning-wheel and needle has come by man's invasion through machinery into woman's work, he saw arising "a new empire of higher reason, of arts, affections, and inspirations." He believed in the diginity of self-support for women, and saw nothing admirable in the domestic paradise depicted in English novels—"half a dozen unmarried daughters round the family hearth, all assiduously doing worsted work and petting papa."

While woman's strength is not as man's, he thought her power of endurance greater, and said: "One grows tired of hearing young men who can do nothing but row or swing dumb-bells and are thrown off their training by the loss of a night's sleep speak contemptuously of a woman who can watch with a sick person half a dozen nights together."

He thought the modern girl stronger than the imaginary Amazon of colonial days, whose enormous number of offspring frequently died early, and he fortified himself with quotations from a French visitor of 1782, who reports our women at twenty as having lost the freshness of youth and at thirty-five and forty as wrinkled and decrepit. He admired neither the tearful, fainting heroine of the novels of his youth nor the slangy hoyden of his later years, when basket ball and hockey and the outdoor life and freedom which he so constantly advocated have developed a type not always to be admired.

He protested earnestly against the retention of the word "obey" in the marriage service, and reported his courteous remonstrance to an Episcopal clergyman after witnessing a marriage with that form; the clergyman admitted, after reflection, that he thought the woman ought not to take such a vow. He saw all the sophistry in the argument that the word is synonymous with *service*, as I was once told it was by a Congregational clergyman who always used the form whenever he could persuade a couple to accept it. Colonel Higginson saw in this an odious relic of the time when every woman was a child before the law, and he resented this perpetuation of ancient disrespect, this assumption that whenever the judgments of an adult man or woman differed, the woman must be pledged in advance to yield whether her reason was convinced or not. Father Hall, pledged in early youth to obey the Cowley Fathers, and in his mature years commanded against his judgment to leave his Boston pulpit and return to England, showed by his obedience the true interpretation of that dangerous vow.

Our friend made no extravagant claims for woman suffrage. He knew that women would make mistakes. But in spite of all objections he declared, "This fact remains and all history shows it—that on all that concerns her own protection a woman needs a vote." He felt that woman's greater solicitude for all humanita-

rian questions was needed to balance man's disproportionate interest for legislation concerning property. The votes of mothers and teachers would, in his opinion, be of value to a national government that gives more attention to the protection of lobsters and the development of hogs than to supplying data for the raising of children.

In his own home he practiced all he preached, and those who knew him best know how more than tender were his service, his loyalty, and his love.

> "He saw God stand upon the weaker side: therefore he went,
> And humbly joined him to the weaker part.
> So he could be the nearer to God's heart,
> And feel its solemn pulses sending blood
> Through all the widespread veins of endless good."

In introducing the Reverend Samuel M. Crothers to speak on "Colonel Higginson as a Citizen and Neighbor," Mr. Dana said:

Colonel Higginson, though a prolific writer and diligent reader and having varied interests, always had time to say a pleasant word to his neighbors on the street, throwing light and cheerfulness about him, and almost invariably saying something worth remembering. He was fond of young people; and I can well remember seeing him when over sixty, with Bishop (then Dean) Lawrence and Mrs. Dana, coasting down Gurney Hill with their children. I saw this only once myself; but Mrs. Dana tells me that it frequently occurred.

Mr. Crothers delivered the following address:

THE CITIZEN AND NEIGHBOR

Cotton Mather, in one of his numerous biographies, comes to one of the early ministers of Cambridge, and in order to sum up his character he simply gives entire the epitaph which we may still find in the tombstone in our Cambridge churchyard; and he adds, for the benefit of his English friends, "In New England tombstones have not yet learned to lie."

Now, I am not sure about that, but even when eulogies and epitaphs attempt to tell the truth it is very difficult in the mere language of eulogy to tell what any real man is like, to give a sense of the man he was, the unique quality that belonged to him and made us love him and made us admire him. The language of eulogy almost inevitably blurs the quality which is most characteristic of the man himself. We say of a man, "He is a good man, a true man"; but we do not tell what kind of a good man he was, or how his truth manifested itself — whether it came in solemn guise or whether it simply played about his mind. And to describe a man like Colonel Higginson in any conventional terms is impossible. Even to give an account of the different things he did conveys no idea of the grace and the charm of his way of doing them. He did a great many things, and he did a great many things well. We can say of him that he was a minister, he was a reformer, he was a fighter, he was a man of gentle character, he was a good citizen, he was a kind neighbor. We have a great many good citizens in Cambridge, and a great many kind neighbors in Cambridge; but there was only one Thomas Wentworth Higginson, and this community is not quite the same now that he has passed out of it. But this community is a more sacred and more beautiful place because of our memory of him and because of what he did here.

He was a man of scholarly habit. We have a great many scholars in Cambridge, but they are not all like him. We have all seen reformers; we have thought of them when we wanted to fight against them. Colonel Higginson was the kind of reformer that we wanted to fight *with*, even when we had to fight against; the kind of reformer who charmed us when we might most earnestly disagree with what he was saying.

Colonel Higginson was a man who united two qualities which very rarely are united, and if they could be united more often this would be a much more agreeable world to live in. He was a man individualistic in the very fiber of his mind, a man who delighted not only to seek truth but to speak truth. He was a man who liked to give us a piece of his mind, and that is not generally a very agreeable kind of man; but he was a man also of neighborliness, of kindliness, of sympathy, of good humor. Now, usually, a

man who insists upon speaking his uttermost mind is an unsympathetic person toward the rank and file; he is a man who goes about as a superior person. That is the reason why the word "critic" has such an unpleasant association. Colonel Higginson was essentially a critic, and a critic of society. It would be interesting to know how many letters of protest Colonel Higginson from time to time wrote for the newspapers; when anything went wrong one would hear from him; but the wonderful thing was that these letters of protest were readable, and pleasant to read, and they had a certain carrying power with them.

There was a certain quality in Colonel Higginson's mind which is not expressed by ordinary words. The only word for it that I know, that expresses the quality of his mind, is that word which Horace Walpole coined, and which, unfortunately, the world did not take up and accept and put in the dictionary, the word "serendipity" — Colonel Higginson had a "serendipitatious" mind. Walpole coined the word "serendipity" from an oriental tale. In the true sense one who possessed serendipity was one who saw a great many things that nobody else noticed and which they had not expected to see. So he defines "serendipity" as accidental sagacity, the seeing what is actually there, but which you were not looking for and nobody told you was there.

Now, there are very few people in any community of that temper. If there were more there would be fewer abuses. We usually see what we are told to see, what we want to prove is there; and the larger part of our moral life is of that character. We are extremely docile. Mrs. Browning says: "Men get opinions as boys learn to read, by repetition, chiefly." Colonel Higginson brought a keen and quick intelligence to bear upon the things of the passing day, and he kept that habit of mind to the very end. When a thing appeared that was right in his eyes, he praised it. When a thing that looked very much like that came next day, he was the first to recognize that it was different and that it was evil. His mind did not move mechanically; it moved spontaneously. And so he continually surprised people, and his moral nature was always breaking out in a new spot. You could n't quite know what he would do to-morrow, unless you happened to have something of the same nature, and then you knew what he would do. It was the spirit of youth continued through life. And I know nothing which more proves the sound, sweet, wholesome nature of the man than that he lived the life of a reformer, and lived happily as a reformer in such a community as this. For I think there is no community more difficult for such a man to carry out his scheme of life and his ideal, because the ideal of the born reformer is boldly and fearlessly to express and expound an unpopular truth; and in this community when a man does that, that truth becomes popular before he knows it.

In Jerusalem men stoned the prophets, and after they were long dead built their monuments. In this community of New England there is a little stone-throwing at the prophets, as a sort of initiation into their life work; but I do not know and I cannot recall at the present time any instance when that stone-throwing was fatal, and if the prophet lived to maturity, people began to build his monument before he was dead. Now, no prophet likes that, and you will notice in every New England reformer a certain rebellion against the process. The time comes when he wants to do something that is not respectable, and he does n't know just how. Almost all of the men of Colonel Higginson's generation found great difficulty in adapting themselves to life after the antislavery conflict was over. Many of them became bitter and disappointed. Colonel Higginson's saving sense of humor, his rare humanity, his great adaptability saved him from two things in all his later life — it saved him from simply continuing automatically a battle which had already been fought and gained, and it saved him from that other malady of the successful reformer — it saved him in his old age from becoming a sage. Nobody ever thought of Colonel Higginson as a sage. They always thought of him as the youngest man in any company. He seemed to be just beginning his life.

And so we find him going from one field of endeavor to another, never coming to that sense of completion which means that one has reached the natural limit of his own mind. There always seemed, as you talked with him, more beyond; and he was always, to the last, a forward looker. When I think of him I think of those lines of Emerson which expressed his own aspiration:

"Teach me your mood, oh, patient stars,
Who climb each night the ancient sky,
Leaving on space no shade, no scars,
No trace of age, no fear to die."

Professor Bliss Perry then read a paper entitled

THE MAN OF LETTERS

Comparatively few persons, even in this audience composed of Colonel Higginson's neighbors, can remember him when he was not already old in years. He published verse in 1842. When he tried to rescue Sims from the Courthouse, he was twenty-seven; and that was over sixty years ago. It is almost half a century since he received his commission as Colonel, and he was then in middle life. Part of the purely personal interest which he aroused and so amply rewarded was a sort of antiquarian curiosity which he had too much humor not to recognize. Here was one who had touched the hands of the elder gods of our American literature, who had known Emerson, Longfellow, and Whittier while they were still young men; one who had actually attended that half-mythical Boston lecture by Edgar Allan Poe. In the delicate cadences of the closing paragraph of his "Oldport Wharves," Mr. Higginson describes an existence not unlike his own in later years:

"The superannuated fisherman graduates into an oracle; the longer he lives, the greater the dignity of his experience; he remembers the great storm, the great tide, the great catch, the great shipwreck; and on all emergencies his counsel has weight. He still busies himself about the boats too, and still sails on sunny days to show the youngsters the best fishing ground. When too infirm for even this, he can at least sun himself beside the landing, and dreaming over inexhaustible memories, watch the bark of his own life go down."

Compared with the men who were treasured in Colonel Higginson's inexhaustible memories, he himself belonged to the "second growth" of our literature, but he had sprung tall and straight and graciously from the as yet unexhausted New England soil. In the attics of old houses in Salem there may still be seen the wide boards of clear, straight-grained pine, toned to a mellow violin

coloring by the stray shafts of sunlight. The prose of Mr. Higginson had that same flawless texture, the same heritage and tinge of sunshine. His style matured very early. It was already perfected when he wrote the gay, supple, singing "Charge with Prince Rupert." It is as difficult to date one of his essays by the test of its style as it is to date one of Aldrich's songs or Longfellow's sonnets. "The long centuries," Higginson once wrote, "set aside all considerations of quantity, of popularity, of immediate influence, and sternly test by quality alone,—judge each author by his most golden sentence, and let all else go." This test of quality is precisely the one by which the lover of Colonel Higginson's work would wish it to be tried. He wrote hundreds of golden sentences.

He did not have the fortune, like his friend Mrs. Howe, to win fame by one ecstatic lyric, or, like Wasson and Ellery Channing, to be remembered by one famous line. Though an accomplished orator, he never, like Phillips in Faneuil Hall, made a name by a single speech. Yet there is quality throughout Higginson's prose and his slender pages of verse, and there is rich variety.

It would be hard to find in American literature any nature-essays which surpass his "Water Lilies," "Foot-paths," and "A Summer Afternoon"; an ethical essay more tonic than "Saints and Their Bodies." We have had no biographical essay more wholly admirable than the "Theodore Parker," and certainly none more delightful than the "John Holmes"; while a more clever controversial essay than Higginson's "Ought Women to Learn the Alphabet" has not been written since the alphabet came into general use. Higginson served his State and his College as historiographer; and his *Young Folks' History* was something far more than a perfunctory task. He coasted by the shores of Romance in *Malbone* and "The Monarch of Dreams"; the last a powerful sketch closing with the train of recruits roaring off for the great War, to reveal, like the bugle-notes and banners in Arnold's poem, the futility of the "shy recluses" who cannot follow. Since the Preface to the *Mosses from an Old Manse* was written, we have had no descriptive sketches more worthy of comparison with Hawthorne's than Higginson's delicious *Oldport Days*. I do not know whether anybody is reading them just now, nor, for that matter, whether anybody is reading the Preface to the *Mosses;* but there the pages are, and

neither Hawthorne nor his pupil will find many gentler or sunnier pages in the Elysian Fields.

Mr. Higginson tested repeatedly his gifts as a biographer. Nothing that he wrote in this field fails in grace, in sound judgment, or in fullness of knowledge. The *Whittier* and the *Longfellow*, however, were both written in his advanced age, and there was not much that was new to say. His *Life of Margaret Fuller* remains the most notable of his studies of other authors: a baffling, difficult book to write, and a wise and penetrating book to read.

In *Army Life in a Black Regiment* we touch autobiography. The narrative is as vivid a transcript of experience as Dana's *Before the Mast* and Parkman's *Oregon Trail*, and in neither of those better-known books is there a better chapter than Higginson's "Night in the Water." The whole book demanded tact and humor, a sense of human and historical values, and a professional pride in which the Colonel of the First South Carolina Volunteers was never wanting. I remember that upon one of the last occasions when he attended a meeting of the Massachusetts Historical Society a paper was read demonstrating the ignorance and illiteracy of the negroes of the South Atlantic States, who, we were assured, could scarcely speak or even understand English. The veteran Colonel of the First South Carolina rose very unsteadily to his feet, and made this perfect reply: "My men could understand *me*, when I gave the word, '*Forward*'"!

Of Higginson's *Cheerful Yesterdays*, surely one of the most delightful of autobiographies, what can one say that has not already been said silently tonight, as the tall figure of its author has risen before our memories. To praise the book is to praise him, so perfectly was it a part of him; not the mere inevitable and unconscious betrayal of the personality of an author; but the unconditional surrender of it to the minds and hearts of his friends!

Mr. Higginson was one of those fortunate writers who could transfer to his pages the whole of his personal character. You can no more subtract from his books his idealism, his consistent courage, his erect Americanism, than you can subtract Sir Philip Sidney's knightly qualities from his essay on the nature of poetry. Mr. Higginson loved children and all innocent things. He was chivalrous, not merely towards women, — which is easy, — but towards

"woman," — which is somewhat more difficult. His wit had always a touch of tartness for the American *parvenu;* for he had lived long in Newport and was a good field naturalist. His satire also amused itself with the Englishmen who could not understand what our Civil War was fought for. But in general, Mr. Higginson's list of antipathies was not much longer than such a list should be. Surrounded all his life by reformers, he had, like Emerson, a shrewd detached sense of the eccentricities of reformers. He wrote an amusing essay about it. Many of us have seen him bare his noble gray head when he entered a polling booth, but he never took off his hat to any mere vulgar political or literary majority. To the very end, he remained what Europeans call an "1848" man; he carried that old idealism serenely through the demoralized American epoch of the eighteen-eighties and nineties into the new idealistic current of today. It is no wonder that he was idolized by the young.

Yet his good fortune lay not merely in this identification of his character with his work as a man of letters. He was also fortunate in settling upon a form of literature precisely adapted to the instincts of his mind. He was a born essayist and autobiographer. Too versatile a workman — and too dependent upon his pen for bread — to confine himself to his true *genre*, he still kept returning to it, like the homing bee. The flexibility of the essay form, its venturesomeness, its perpetual sally and retreat, tempted his happy audacity. But beneath the wit and grace and fire of his phrases, there is the fine conservatism of the scholar, the inimitable touch of the writer whose taste has been trained by the classics. His essays on *An Old Latin Text-Book* and *Sunshine and Petrarch* reveal the natural bookman. That style of his — light and flexible as a rod of split bamboo — is the style of many of the immortal classics and humanists; and it holds, when the bigger and coarser styles warp and weaken. We speak sometimes of the "charm" of *Cheerful Yesterdays* as if charm were something external and evanescent, but the history of literature is forever reminding us that the charming books have secret qualities which make them often survive the greater books, just as Cleopatra outshines the pyramids.

One likes to think, then, of Colonel Higginson, first as a local figure, to be celebrated by local pieties such as ours tonight. He

was loyal to Cambridge. He wrote poetry about the "Sea Gulls at Fresh Pond"; he was a true "Child of the College." He drank tea, in due ceremonial, with all of us. In his old age he enjoyed the flowers on his birthdays, the tributes from his clubs, the pleasant notices in the *Evening Transcript*. But the negroes who bore his coffin and the aliens in religion and race who have as good an eye as anybody for a Puritan man, knew that Colonel Higginson was far more than a local personage. The tea-drinking coteries cannot keep him. Literature will not surrender him to the kindly memory of his neighbors, to the reformers, or even to the veterans of the great War. Higginson lived and died a man of letters. For the claims of literature he gave up the pulpit; to literature he returned when he resigned from the army; and literature will have the final word to say about him. The stone-built Courthouse is torn down, his description of the attack upon it endures.

No contemporary of any writer can solve what Higginson once called "the equation of fame." That equation contains too many unknown quantities. Lamb's *Essay on Roast Pig*, which has simply a good deal of Charles Lamb in it, is now as sure of immortality, as far as we can see, as Gibbon's *Decline and Fall of the Roman Empire*. At least we can say: Here are a dozen volumes into which Thomas Wentworth Higginson has put a great deal of himself: clear-grained, seasoned, sunbathed stuff. They will outlast our day, and many days.

At the conclusion of Professor Perry's address the meeting was dissolved.

THE TWENTY-FOURTH MEETING

The Twenty-Fourth Meeting of The Cambridge Historical Society was held the twenty-third day of January, nineteen hundred and twelve, at eight o'clock in the evening, in Room 9, Emerson Hall, Harvard University.

The President, Richard Henry Dana, presided.

The minutes of the last two meetings were read and approved.

It was voted to amend Article XV to read:

"*Article XV. Quorum.* At meetings of the Society ten members and at meetings of the Council four members shall constitute a quorum."

President Dana made the following remarks:

This meeting is devoted to the celebration of the hundredth anniversary of the appointment of Judge Story to the bench of the Supreme Court of the United States by President Jefferson.

In strong contrast to the rush of business to-day, we may note that Judge Story found time, though doing his full work on the bench and writing nine remarkable text-books in thirteen years, to lecture at the Harvard Law School in his spare hours. To-day the judges of the Supreme Court by common consent refuse every outside engagement, even to make a public speech, as all their energies are required in their futile attempts to "catch up" with their overcrowded docket.

In looking over my father's journal on his entering the Law School I find the following: "We were placed in a li-

brary under learned, honorable, and gentlemanly instructors (the chief of whom were Judge Story and Professor Greenleaf) and invited to pursue the study of jurisprudence as a system of philosophy." Other entries in my father's journal show Judge Story's great kindness of heart and his willingness to encourage young law students with appreciation of their efforts and even compliments, a rare thing, at least in those days, in New England.

Judge Story, too, found time for social life. Indeed, in those days in Cambridge and its neighborhood, with Longfellow, Lowell, Oliver Wendell and John Holmes, the Nortons, Charles and George Sumner, Bancroft, Prescott, Sparks, Palfrey, Felton, Ticknor, Everett, Rufus Choate, William Ellery and Edward Tyrrel Channing, Dr. S. G. and Mrs. Julia Ward Howe, Mr. and Mrs. James T. Fields, Leonard Woods, Hillard, Judge and Senator Hoar, Henry James, Sr., Motley, Judge Story, and others, they had time to stop one another on the street and to say more than the hurried good-by, which nowadays no one waits for, and to spend long evenings in pleasant talk, and to visit each other frequently.

To-day we have in Cambridge a large number of distinguished persons, a list of whose names would be quite as remarkable as that I have just read you; but the same joviality, the same easy friendship, the same time given to leisurely conversation, seem denied us.

Among the distinguished persons now in Cambridge is Professor Roscoe Pound, holding the Story Professorship of Law in the Harvard Law School, whom I now introduce to you, and from whom you will hear a most interesting address on Judge Story.

Professor ROSCOE POUND of the Harvard Law School then read the following paper:

THE PLACE OF JUDGE STORY IN THE MAKING OF AMERICAN LAW

PERHAPS an apology is due to-day from one who is rash enough to assert that any man can have had a place in the making of any legal system. Lord Campbell, it is true, thought that the history of the holders of the Great Seal was the history of the English constitution and the history of English law. But he would have the modern jurists against him. The historical jurists would tell him that the contents of a legal system are the necessary result of the whole history of a people; that they are no more to be explained by the labors of individuals than is language, and that law has grown up with the people itself as an integral part of its character. The positivists would tell him that social, and hence legal, phenomena follow necessarily from the nature of men and from the nature of their relationships; that men may learn to describe the process by which law comes into being, but may not presume to control it. The head of the most numerous and most active sect among the philosophical jurists would assure him that law is no more made by the individual than is history; that the law-maker is the man of his time, thoroughly saturated with the thoughts of his time, filled with the culture that surrounds him, working with the ideas and conceptions of his time and place, and speaking with words whose meanings were fixed by the sociological process of linguistic development. Finally, the adherents of the economic interpretation, who include distinguished representatives in American legal scholarship, would urge upon him that "all juridical history is economic," that the "underlying causes of most of the changes in the law are really economic," and that rules of law are in fact "established by the self-interest of the dominant class." The individualist who thought of the great juristic personality as free, as a creator, as shaping the course of the judicial and juristic current, rather than as borne along by its resistless movement, has all but disappeared from legal literature.

Happily, at least the extremer forms of the foregoing doctrines

are beginning to give way before a renascence of juridical idealism. In some measure indications are not lacking that we are about to return to what was sound in eighteenth-century ideas. Not, indeed, that we shall ever hold them again in their old, absolute form. But the mechanical ideas of the historical school and of the positivists, the idea of mills of the gods through which legal systems are slowly weaving, by a course of inevitable and predestined evolution, while men sit by as mere observers, are as obsolete as the equally absolute notions of the school of natural law. No institution is the product of one sole cause. Usually it is the resultant of many causes. One observer will dwell upon this cause and another upon that; but we may be confident, with good reason, that all have been factors of greater or less importance. Certainly in all legal history, the great lawyer has not been the least factor. Try to imagine Roman law without Papinian and Ulpian and Paul. Think of international law without Grotius, of French law without Pothier, of German law without Savigny, of the common law without Coke, of American constitutional law without Marshall. If Coke and Marshall and Savigny were children of their times, they were children who knew how to get their own way! To take but one example, Bacon represented the spirit of the seventeenth century much more than Coke; the Star Chamber and the Court of Requests were modern tribunals, as things went then, while the King's Courts at Westminster were thoroughly medieval. Yet Coke impressed the system of these medieval courts upon us so completely that subsequent times, still constrained to walk therein, are far from content. Maitland, indeed, does not hesitate to attribute to Coke's "masterful, masterless" spirit a controlling part in preventing a reception of Roman law in England. To use his words, "that wonderful Edward Coke was loose. The medieval tradition was more than safe in his hands."

If, then, one may venture to assign to individuals some real place in the making of our legal system, I suppose all would agree that three names stand out before all others, namely, Marshall, Kent, and Story. Probably the only names that one hears joined with these are those of Gibson, Shaw, Ruffin, and, more recently, Doe. But the influence of each of the latter is far less, and, indeed, is to no small extent local. The three first-named affected our legal

system as a whole. Each had a national, if not, since the common law is fast becoming a law of the world, a universal, influence.

Marshall affected the development of our law in but one way, namely, from the bench judicial by decision. Moreover, his work was done substantially in one field, that of public law, though he made that field almost wholly his own. Kent affected the development of the law in three ways: as a judge, by decisions; as a writer, by his institutional treatise that still stands by the side of Blackstone; and as a teacher. Story also affected the development of the law in three ways: as a judge, as a writer, and as a teacher. But his judicial service was longer than Kent's, as a writer he was incomparably more active and prolific than was Kent, and his opportunities as a teacher were far greater. In truth, Story's position in the history of American law is unique. He was a colleague of Marshall in the great days, and he wrote the opinion of the court in some of the cases that made our constitutional law. He survived Marshall fourteen years, and stood for the old court among a newer generation to whom men looked vainly to undo its work. After Kent, he was the pioneer among our great text-writers. And while Kent went no further than an institutional book, the latter was scarcely more than complete when Story began a series of treatises which were to cover the great fields of Conflict of Laws, Constitutional Law, Equity, and Commercial Law, often with the pioneer work in English, and always in such wise as to long furnish the model for those who came after him. Moreover, Kent's lectures at Columbia were a bagatelle compared with Story's service of sixteen years at the head of an established law school, almost a quarter of a century old when he came to preside over it, to which his fame as a judge and as a writer, and his zeal as a teacher, gave an unquestioned primacy. Such an opportunity of judging, writing, and teaching at a critical period in the history of a legal system has fallen to the lot of very few. It is not too much to compare him, in this respect, with the great Roman jurists of the third century, with the great doctors of the revival of Roman law, with Pothier and with Savigny. In our own law perhaps no one but Coke has had an equal opportunity.

Two periods in our legal history require special study by any one who would know Anglo-American law. The first is the

classical common-law period, the end of the sixteenth and beginning of the seventeenth century. The other is the period which some day will be regarded as no less classical than the former — the period of legal development in America that came to an end with the Civil War. It is very easy to begin the history of a legal system too far back. Pollock is well warranted in insisting that the history of the common law, for practical purposes, begins at the end of the thirteenth century. For American purposes one might well begin with the seventeenth century. For the common law which we received was Coke's common law. English case law and English legislation prior to Coke were summed up for us and handed down to us by that indefatigable scholar in what we have chosen to consider an authoritative form; and we have looked at them through his spectacles ever since. In like manner the history of the common law in America begins, for practical purposes, after the Revolution, and the century ending with 1876 sees an American common law fully established and beginning to show the rigidity and the dogmatic inflexibility of a settled system.

Law made little progress in America in the seventeenth century. Social and economic conditions were such that a rude administration of justice by magistrates sufficed. With the accumulation of property a demand for law grew up. In the eighteenth century it came to be felt that there must be authoritative standards to restrain or to guide the magistrate. But there was much to hinder the development of law. Luther's maxim, *Juristen böse Christen*, has appealed to the pious ever since; and our fathers had special reasons for suspicion as to the wisdom of receiving English law. Some of them had had experience of the operation of its doctrines as to misdemeanors and of its mode of conducting political and criminal prosecutions, and the memory and tradition of this experience have left their mark upon our law to-day in the doctrine that there is no common law of the United States, in the strange doctrine of the federal Supreme Court as to the rules of evidence in criminal trials in federal courts, and in the unfortunate rejection by most of our States of the common law as to misdemeanors. Perhaps one may understand the attitude of the seventeenth and early eighteenth-century colonists better, if he tries to imagine a colony to-day founded by Mr. Gompers, and to conceive what such

a colony would hold as to the applicability to its condition and situation of American equity. Moreover, the law was backward in England in this period. It was still burdened with the formal thinking and the naïve nominalism of the middle ages, and the archaic formalism of which it was not yet rid was persisting into and becoming merged in the formalism of over-refinement characteristic of the seventeenth and eighteenth centuries. Hence it might well "seem to a plain Puritan to be a dark and knavish business." Perhaps the turning-point is the appointment of Lord Mansfield to be Chief Justice in 1756. But Lord Mansfield's great work of ascertaining and incorporating the law merchant and of liberalizing the common law was going on during the Revolution and was not complete at its close. It is noteworthy that he resigned in the same year in which the Constitution of the United States was adopted. The law worthy of reception and the nation to receive it came into existence at the same time.

In spite of the difficulties recited, law had made some progress in America at the outbreak of the Revolution. There had been a gradual evolution of a judicial system, and in many places there was coming to be a well-trained bar. Doubtless this would have insured a reception and development of the common law. But it happened here, as in seventeenth-century England, that the common law became useful as a political weapon. As Coke had invoked the common law against James I and Charles I, the Continental Congress in 1774 invoked it against George III. Thus a tradition arose that the colonists had brought with them the common law, as a much-prized heritage, and had clung to it and asserted it in the new world. After unquestioned currency for more than half a century, this doctrine has been overturned by study of colonial records and of colonial legislation.

After the Revolution a reaction set in. Economic conditions gave rise to widespread dissatisfaction with law and distrust of lawyers. Political conditions gave rise to distrust of English law. Naturally the public was extremely hostile to England and to all that was English; and it was impossible for the common law to escape the odium of its English origin. Judges and legislators were influenced largely by this popular feeling, and the bar was not strong enough to resist it. In Philadelphia there were a few great

lawyers, and there were good lawyers here and there throughout the country. But except in a few centers of legal culture the bulk of the profession was made up of men who had come from the Revolutionary armies or from the halls of the Continental Congress, and had brought with them many bitter feelings and often but scanty knowledge of the law. Alexander Hamilton's preparation for the bar was four months' reading. His less gifted competitors at the bar who came before the courts with the same hasty preparation could not be expected to have much acquaintance with the principles or doctrines of the common law. But the judges were seldom better prepared, and many of them were laymen. A majority of the justices in New Jersey in 1779 were laymen. Of the three justices of the Superior Court of New Hampshire after independence, one was a theologian and another a physician. Charles Brayton, judge of the highest court of Rhode Island (1814–18), was a blacksmith, and Isaac Wilbour, a farmer, was Chief Justice of that State from 1819 to 1826. The first Chief Justice of North Carolina was admitted to the bar in 1788 before he was twenty years old. Accordingly we are not surprised to find the courts of that day resenting any serious investigation of the English books, and endeavoring to palliate their lack of information by a show of patriotism. There is another side. A few great lawyers stand out in this period. But, the country over, the outlook for law, and especially for English law, was anything but bright. It is not too much to say that in the second decade of the nineteenth century, when Judge Story took his seat upon the bench, the work of receiving and adapting the common law and of developing therefrom a system of American law remained yet to do.

It is to the credit of American lawyers that the development of American law in the critical and formative period went forward rapidly and well. While we think of the period as extending for a century, from the Declaration of Independence to 1876, it was in truth less than three quarters of a century. No progress of consequence was made until the appointment of James Kent to be Chief Justice of New York and of John Marshall to be Chief Justice of the United States, at the beginning of the nineteenth century. Moreover, the period of development was substantially at

an end at the close of the Civil War. Yet the achievements of this period will compare favorably with those of any period of growth and adjustment in legal history. The closest analogy, both in the time taken and the amount and character of the work accomplished is the classical period in England — the age of Coke. The working over of the civil law in France, which culminated in the writings of Pothier and thence in the Civil Code, went on actively for at least a hundred years. From the first draft of a Prussian code, under the auspices of Frederick the Great, to the taking effect of the Civil Code for the German Empire was a century and a half. And if we begin only with the rise of the historical school in Germany and the consequent working over of the old juridical materials, we have still more than a century. But in Germany and in France there was abundant modern material at hand, which had been long studied and thoroughly expounded. On the other hand, when Kent went upon the bench in New York he could say with entire truth that "there were no reports or state precedents. The opinions from the bench were *ore tenus*. We had no law of our own and nobody knew what [the law] was." In 1814 Kent became Chancellor. Of his experience as head of the court of equity he tells us: "It is a curious fact that, for the nine years I was in that office, there was not a single decision, opinion, or dictum of either of my predecessors, . . . from 1777 to 1814, cited to me or even suggested." So completely did American law make a new start at the beginning of the nineteenth century!

We all know the result of seventy-five years of American judicature. But it is worthy of note that many obstacles were overcome during that period and that very little would have sufficed more than once to turn the current of our law in a wholly different direction. To some extent this is speculation, but I venture to think that our common law encountered and overcame four very real dangers: (1) The danger of a reception of French law; (2) the danger of a debasement of the law through an untrained judiciary in the earlier part of the century and an elective and to some extent political judiciary after 1848; (3) the danger of premature and crude codification during the legislative reform movement; and (4) the danger of loss of unity and of rise of separate local systems, a danger which once more is becoming acute.

As late as 1856 Sir Henry Maine believed that a reception of French or of Roman-French law was taking place in America. In 1871 he reprinted a lecture containing the statement that the French code, as adopted in Louisiana, and not the common law, was becoming the substratum of the law in the newest States. I have never been sure what he had in mind. Possibly the adoption of the Field Codes in California and in the Territory of Dakota may have misled him. At any rate, all danger of a reception of French law was over some time before 1856; but at one time it was a real danger.

One who reads the older American reports, particularly those of the State of New York, cannot fail to notice the unusual number of references to the writers and authorities of the civil law which they contain, and the great deference which appears to be paid to such authorities. No less remarkable is the rapid falling off in this practice and practically complete cessation of it by the middle of the nineteenth century. At present, citation of the authorities of the civil law, except in cases involving some point of international law or of admiralty, is usually the merest pedantry, and is seldom indulged in. When in recent years an American judge does see fit to cite them, he does so in the manner of one who is displaying his learning, and not, as many American judges once did, in the same manner in which he cites common-law authorities.

In the first volume of Johnson's reports, reporting decisions of the Supreme Court of New York and the Court of Errors of New York during the year 1806, Pothier is cited four times, Emerigon five times, Valin three times, Casaregis twice, and Azuni twice. The Institutes of Justinian are cited once. These citations are made by the court. In addition, counsel, so far as their arguments are reported, cite civilians (mostly French) repeatedly. In the seventh volume of the same reports, reporting decisions of the same courts during 1810 and 1811, Pothier is twice cited, Huberus twice, Emerigon once, and the French civil code once. There are also two citations of the Digest, one of the Institutes, and one of the Code. Almost all these citations are in cases involving questions of mercantile law. Occasionally, however, the question at issue is one of conflict of laws, and in one case in the fourth volume of Johnson's Reports, Pothier and Justinian's Institutes

are cited on a question of damages on a covenant for title. There are also in the early New York reports citations of the civil law on questions of original acquisition of title to property, of rights as between owners in common, and of quasi-contract. It is noteworthy, too, that when the movement for reform in common-law pleading and procedure arose, whereas in England it resulted in procedure acts and rules of court, in New York and other American jurisdictions following in her wake, it took the form of pretentious codes of civil procedure and ambitious attempts to produce a civil code along French lines.

The reasons of this temporary influence of French law in America were four: (1) the hostility toward England and English institutions that prevailed in the last quarter of the eighteenth century and the early part of the nineteenth century and the feelings of friendship for France on the part of a large portion of the community at the same time; (2) the rise of the law merchant; (3) the influence of Kent and Story, who cited the civil law very freely both in their judicial opinions and in their writings; and (4) the movement for reform in practice and pleading, which created great dissatisfaction with the common law at a time when the effects of the other causes were making themselves felt.

The books are full of illustrations of the hostility toward English law, because it was English, which prevailed early in the nineteenth century. Pennsylvania, New Jersey, and Kentucky legislated against citation of English decisions in the courts, and there was a rule of court against such citations in New Hampshire. Many a judge in other jurisdictions had his fling at the English authorities cited before him. For example, one judge is reported thus: "They would govern us by the common law of England. Common sense is a much safer guide. . . . It is our duty to do justice between the parties; not by any quirks out of Coke and Blackstone, — books that I never read and never will."

At the same time a large and influential party were enthusiastically attached to France, and not only heartily detested things English but were inclined to look more than favorably upon things French. Kent, who became Chief Justice of New York in 1804, says: "I could put my brethren to rout and carry my point by my mysterious wand of French and civil law. The judges were Re-

publicans and very kindly disposed to everything that was French, and this enabled me, without exciting any alarm or jealousy, to make a fair use of such authorities and thus enrich our commercial law." In another place he says: "English authority did not stand very high in those feverish times." Under such circumstances it is not strange that judges made free use of French authorities to sustain their decisions. But such citation had often a better justification.

The work of incorporating the law merchant into the common law was by no means complete at the time of the Revolution. Lord Mansfield, to whom that result is chiefly, if not entirely, due, was on the bench at that time. But the law which after the Revolution was recognized as "the common law in force at the time of the Revolution," was the common law as it existed before the decisions of Lord Mansfield had settled the principal questions of mercantile law. His decisions and the common-law decisions after his time undoubtedly had a controlling influence in America, as repeated citations of them in Johnson's Reports bear abundant witness. Yet the fact remains that American judges were left more to their own resources in this important department than in any other. Being left largely to their own ideas of what was or should be the law, they naturally looked to the French and Dutch treatises on the civil law and the French treatises on commercial law, and when those treatises conformed to their ideas, cited and approved them. Cases may be found in the reports in which Pothier was cited by counsel, but the court took a different view upon the basis of English decisions.

Fortunately for our common law, the Anglo-American is averse to authorities in a foreign tongue, as the decadence of French authority in Louisiana bears striking witness, and as the profession advanced in strength and learning and prejudice against English books disappeared, the citation of French treatises dwindled and finally vanished. But at the time when passions aroused by war were passing away, another force began to operate both to discredit the common law and to excite interest in French law.

The school of lawyers who regarded the common law as it stood when Blackstone expounded it as the perfection of reason was giving way to a younger generation which was bent on pruning it

of archaisms and reforming it to suit the spirit of a time which looked askance at everything that savored of the Middle Ages. Political and social institutions as well as legal rules and doctrines were being scrutinized critically on all hands, and English law felt this movement no less than English politics. Bentham, it is true, declaimed against all systems of law impartially. But his disciple, Austin, was acquainted with Roman Law and commended its study. It is noteworthy that the revival of the study of Roman law in England dates from the movement for reform in the common law. In America the same force was at work, and it was supplemented by the inclination toward French law already in existence. Then, too, men's minds had been fascinated by the Code Napoléon, and in New York, especially, as far back as 1809 we meet with more or less clamor for a civil code on French lines. In the minds of the reformers the want of formal congruity in the common law was contrasted with the order of the systematic treatises of civil-law writers, and they were led to think and speak far worse of their own system than the substance of either body of law warranted. More or less attempt was made to incorporate doctrines of the civil law in projected codes, and here and there a court professed to adopt doctrines of the civilians on some point instead of the common-law rule. But very few American judges and lawyers who would have liked to make use of the civil law were able to do so effectively. Kent and Story practically stood alone. The translations of Pothier were very far from being complete, and were not accessible until the movement had spent itself, and the American edition of Domat was too late to exert much influence. Hence, on the whole, the effects of this movement were no greater than those of the causes already discussed. Judges admired and sometimes quoted the civilians, but they adhered to the common law.

Thus there were few specific permanent results. Courts cited the civil law to fortify their conclusions. But when their ideas upon new points differed from those of the civilians, they did not hesitate to follow their own. It is clear therefore that they were engaged in building up the common law, not in receiving another system in its place. Yet how came it that the common law was able to withstand this formidable invasion? The answer will be more clear after we have considered the other difficulties which

our legal system encountered in the first half of the nineteenth century. But I may say here that if Kent and Story appeared to further a reception of French law by their copious citations of the civilians, in reality they prevented it by presenting what was in substance sound common law in a systematic, orderly, reasoned fashion which appealed to the bar and to the courts.

The second danger, namely, that the common law would be debased and corrupted through administration by an untrained judiciary at the beginning of the century and by an elective and to some extent political judiciary in the last half of the century, contributed to the first. For unless a vigorous body of doctrine could be developed by our courts, a reception of another system or an eighteenth-century code was by no means improbable in view of the state of public feeling with respect to the law. Such a development under the Anglo-American legal system required strong courts. Continental critics refer to ours as a system of judicial empiricism. For at the basis of our common law is the idea that experience will afford the most satisfactory foundation for standards of action and for rules of decision; the idea that law is not to be made arbitrarily by a fiat of the sovereign will, but is to be discovered by judicial experience of the rules and principles which in the past have accomplished or have failed to accomplish justice. In such a view not merely the interpretation and application of legal rules, but in a large measure the ascertainment of them, must be left to the disciplined reason of the judges, and we must find our assurance that the judges will be governed by reason, and that the personality of the individual judge will be kept down in the criticism of the reported decision by bench and bar in the discussion of other causes. Moreover, the strength of the common law is in its treatment of concrete controversies as the strength of the civil law is in its logical development of abstract conceptions. In a comparison of abstract systems the common law is at its worst. On the other hand, wherever the administration of justice is in the hands of common-law judges their habit of applying to the cause in hand the judicial experience of the past rather than attempting to fit the cause into its exact logical pigeon-hole in an abstract system has gradually prevailed, and has made for slow but persistent invasion of territories once governed by the civil law. Such

a process requires strong judges or else it requires that the judges be well guided. Unhappily many jurisdictions had not much more than emerged from the period of lay judges when in 1848 New York took the decisive step of making the judiciary elective. For a time the character of the bench was not greatly changed. But taking the country as a whole, the ultimate result was unfortunate. It is significant that the great names in the American judiciary are almost without exception to be found upon the federal bench or in the earlier courts. The one judge upon the bench of a state court who stands out as a builder of the law since the Civil War, Chief Justice Doe of New Hampshire, held his position by appointment.

Along with the change in the character of the judiciary came a period of legislation and a demand for codification. The latter had been heard indeed in the eighteenth century. In 1774 John Adams said: "How then do we New Englanders derive our laws? I say not from Parliament, not from the common law; but from the law of nature and the compact made with the king in our charter." After the Revolution Jefferson insisted that the colonists had brought with them, not the common law, but the rights of man and the law of nature. Such ideas were dominant upon the Continent of Europe at that time, and the publicists, with whose writings the framers of our constitution were so familiar, were full of them. The jurists of the eighteenth century conceived it to be their task to discover the first principles of law inherent in nature, to deduce a system from them, and thus to furnish the legislator a model code, the judge a touchstone of sound law, and the citizen an infallible guide to conduct. They had no doubt that a complete code was possible which once for all should provide in advance the one right decision for every possible controversy. Lay discussions of American law in the first quarter of the nineteenth century abound in demands for an American code. Had such men as Kent and Story allowed their good sense to be overcome by the Continental philosophers of law of the eighteenth century, whom they undoubtedly admired, the future of American law might have been very different. I doubt if our judges would have been strong enough to withstand the movement. But when the movement did gather strength in the draft codes of David Dudley Field the

common law was thoroughly received and well established and was able to resist it.

Had our law been without unity, had there been a local law for each State, the movement for a premature Benthamite code might well have swept the country as the French codes swept over Europe. To-day, indeed, to use Maitland's phrase, the unity of the common law is precarious. But our jurisdictions have gone too long a way together to draw far apart. Even the huge volume of legislation which is poured forth by our State legislatures is restrained and is brought into some sort of order by a settled common law. Had this flood of statutes been turned upon a system of purely local rules such as we might well have had in the first half of the last century, if not before, at least by now, we should be seeking relief in codes. The attempt of the Supreme Court of the United States to preserve unity by its doctrine as to questions of general law failed wholly. But the same force that preserved the common law from the dangers last discussed preserved it here also. What Story the judge failed in, Story the text-writer accomplished triumphantly. For, more than anything else, the books of our great nineteenth-century text-writers saved the common law. Here were guides for judge and practitioner well written, learned, well ordered, and, as things went then, well reasoned. With copious references to the civil law which seemed to make it clear that the resources of comparative law had been exhausted, they stated none the less the common law as worked out in the English courts. Thus at the crucial time the common law was so presented as to make the reception easy, and the energies of judges were turned to the right channel of applying common-law principles to concrete cases. Until our case law was able to stand by itself such aid was indispensable. Without it I doubt if we should live under the common law to-day. As Coke summed up the development prior to his time and thus furnished the basis for a juristic new start, so these text-writers summed up English case law of the seventeenth and eighteenth centuries, and made it available as the basis of a new start in America.

Of the text-writers who accomplished this task of receiving the common law in America two are pre-eminent, Kent and Story, and

Story's work is easily first in quantity and upon the whole in quality. The bare list of his writings speaks for itself:

Commentaries on the Law of Bailments, 1832, nine editions.

Commentaries on the Constitution, 1833, five editions, also translated into French.

Conflict of Laws, 1834, eight editions.

Equity Jurisprudence, 1836, thirteen American editions, two English editions.

Equity Pleading, 1838, ten editions.

Commentaries on the Law of Agency, 1839, nine editions.

The Law of Partnership, 1841, seven editions.

Bills of Exchange, 1843, four editions and a German translation.

Promissory Notes, 1845, seven editions.

In quantity, in timeliness, and in its relation to the law that went before and came after, this body of legal writing is in many ways comparable to that of Coke. In each case the judge-made law of the past was restated and was made conveniently and, as it were, authoritatively available for the future. If in each case there is much to criticise in the details of the performance, the answer is, after all, that this body of writing must be judged as a whole and must be appraised by its results. So judged, it must be counted one of the controlling factors in the shaping of American law. Moreover, Story's writings may deceive the casual reader by the apparent weight which is given to the authorities of the civil law. Great as is the use which he seems to make of them, it is in fact almost wholly by way of reinforcement or illustration or example. Where he goes further, as, for instance, in his treatise on bailments, he has had little permanent effect. In substance his books are treatises upon the common law. Moreover, their relation to the civil law happily is to that part of the law where the Romans were at their best and where the common law was least developed.

The genius of the Roman jurists expended itself upon what may be called in a wide sense the law of contractual obligations — upon that part of the law that has to do with recognizing and giving effect to the intention of the parties to legal transactions to create rights and duties, that has to do with the intention implicit in such transactions and the rights and duties annexed by law to the rela-

tions to which they give rise. On the other hand, the Roman law of delict was governed to the end by archaic conceptions. I think we may rate it a great bit of good fortune, therefore, that neither Kent nor Story tried his hand at the law of torts. Here neither Roman nor civilian had anything for us, and to introduce their specious nomenclature as was done in Scotland could only have bred confusion. Happily judicial empiricism was left free to deal with the details of this subject, and it was left to the twentieth century to work out a theory. The side of the law which called for immediate development when Kent and Story wrote was the very side where help from Roman law was needed; the side upon which Roman law had made an enduring contribution.

Three other points deserve brief notice. Taking them in the order of publication, Story's books upon the Constitution, upon conflict of laws and upon equity have had special influence. If Marshall made our public law, until Professor Thayer caused us to think for ourselves in this connection, to the bench and bar Story authoritatively expounded it. The influence of his book is to be traced through Cooley into nearly all the texts of the last part of the nineteenth century, and for one point he seems to have established the legal tradition as to the colonists and the common law. His treatise upon the conflict of laws is even more important. Dicey says of it that it "forthwith systematized, one might almost say, created a whole branch of the law of England." Professor Gray is no doubt right in saying that the book is Story's "highest claim to reputation as a jurist." But the most important service, it seems to me, was rendered by his writings on equity.

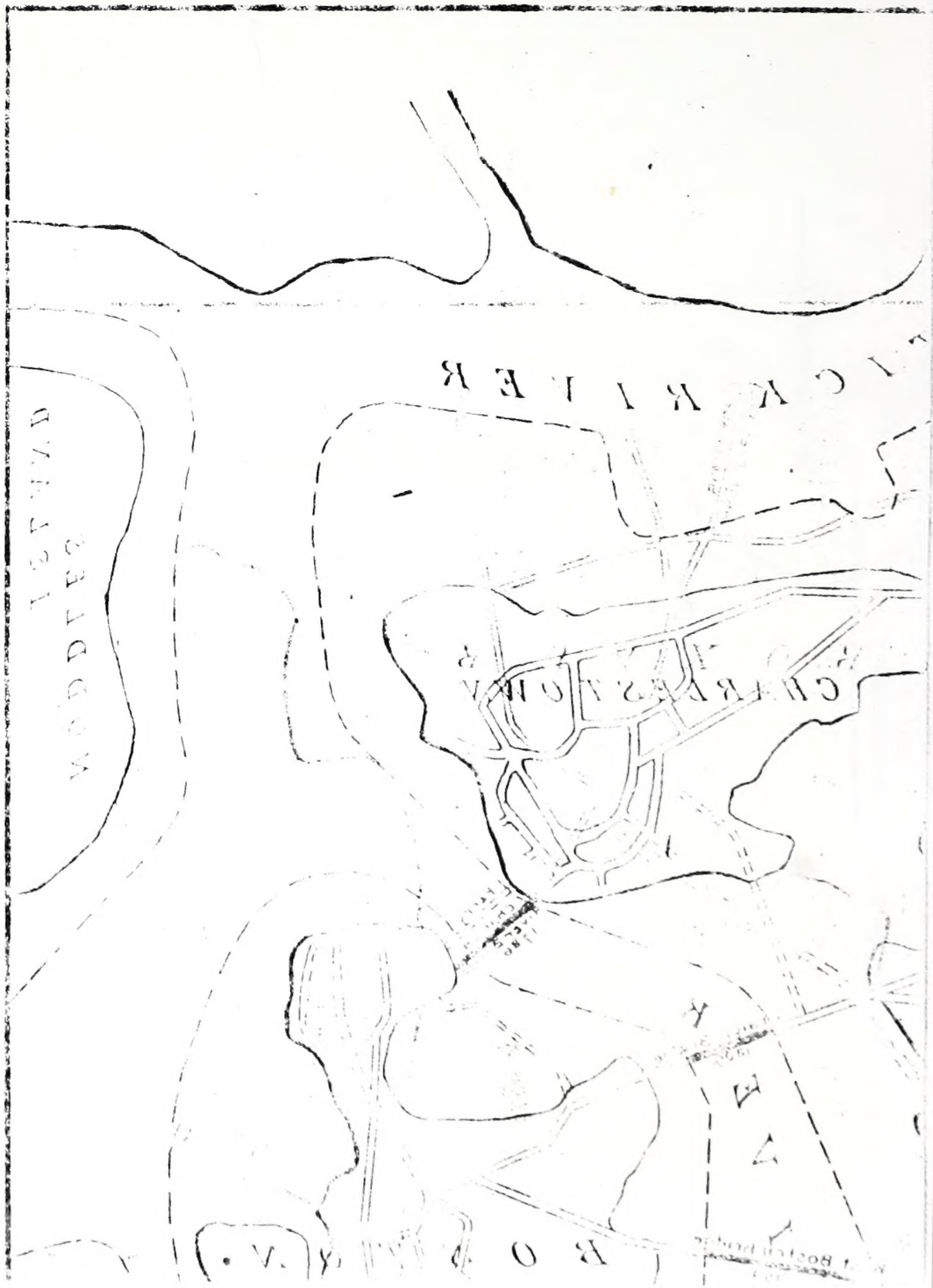
Essential as it is to the working of the Anglo-American system, equity has never been popular in America. To name but one cause the Puritan has always been a consistent and thoroughgoing opponent. Equity runs counter to all his ideas. It relieves fools who have made bad bargains; and he objects to this, holding that fools should be allowed and required to act freely and then be held for the consequences of their folly. What is even more objectionable to him, it acts directly upon the person. It coerces the individual free will. It acts preventively instead of permitting free action and imposing after the event the penalty contracted for in advance. Again it involves discretion in its application to concrete cases, and that in the Puritan view means superiority in a magistrate in that it allows him to judge another by a personal standard instead of by an unyielding and universal legal rule. Accordingly there was vigorous opposition to the court of chancery in England lasting almost to the eighteenth century. Barebone's Parliament abolished the court of chancery. Massachusetts and Pennsylvania granted equity powers to their courts grudgingly by a process of piecemeal legislation. American state courts have been reluctant to extend the jurisdiction of equity even where the extension involved no more than application of familiar principles to new conditions of fact. The gradual abandonment of equity powers and legalizing of equitable principles in America which I have ventured on another occasion to call a decadence of equity is no less significant. The methods and doctrines of equity have not been congenial to our tribunals, and if we remember that the latter have largely been manned with Puritans the reason is obvious.

Had it happened, then, that equity was expounded to American readers by an unfriendly commentator or in the dry and technical fashion of the contemporary English treatises, I venture to think the result would have been most unhappy. As it was, Kent upon the bench and Story in his treatises developed and expounded the subject in quite another way. Kent's was the greater juristic achievement, but I am not certain that we do not owe more to Story. A sympathetic exposition of English equity, referring continually to the civilians and to the Roman law, making it appear, untruly as we know now, that English equity was essentially Roman law and was a body of universal principles of justice, often comparing the development of the principles in England with that upon the Continent to the disadvantage of the latter, and all this in a most readable form, with an orderly arrangement and a system that at least improved upon what had gone before, was the one thing needed to commend equity to our American courts and to counteract the forces that were working against it. One has but to consider what our administration of justice would be if the majority of our States had been compelled to resort to the shifts and devices to which the courts of Pennsylvania were driven for want of equity jurisdiction to perceive the magnitude of the service rendered by such a book. Story seems to have understood

the importance of equity in our system from the first, for we find him joining in a petition for the establishment of a court of chancery in Massachusetts at a time when this Commonwealth was persistently hostile to the whole system.

If, as we are told, taught law is tough law, the vitality of the common law is due in large part to this, that it has been taught almost from the beginning. There are other and more important causes of the vitality which is making it, if it is not such already, a law of the world. But its vitality in the critical period of legal development in nineteenth-century America is due chiefly to this — that it was the only system that was or could be taught to the *juventus cupida legem* with the books at hand in school or office. That it could be so taught and in a way to command enthusiastic adherents is due, above all, to the writings of James Kent and Joseph Story. If Marshall made our public law, they in almost equal measure made our private law in that they assured that it should develop along common-law lines, that it should develop by judicial rather than by legislative empiricism. What the latter would mean the New York code of civil procedure warns us abundantly.

At the conclusion of Professor Pound's paper the meeting was dissolved.



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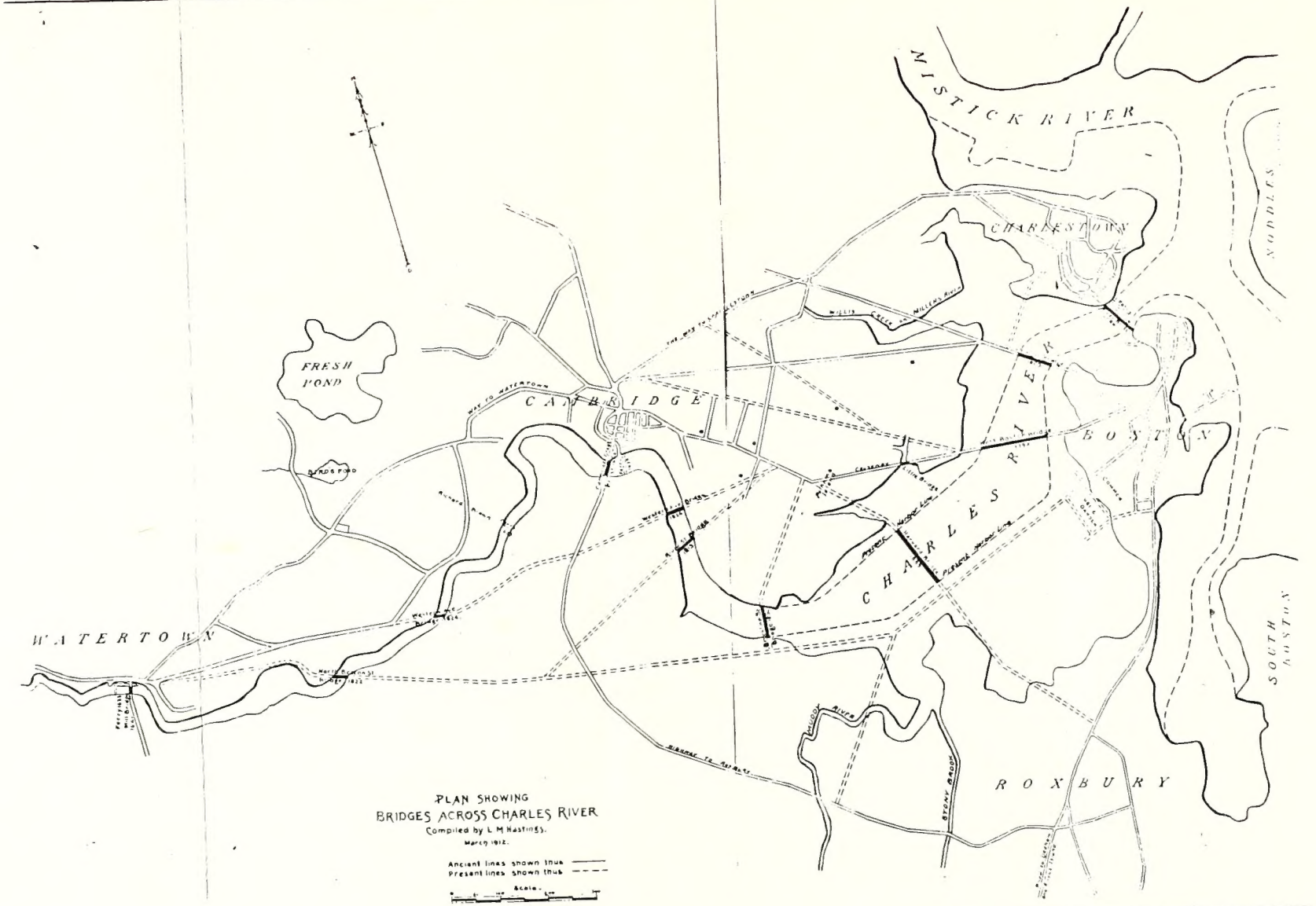
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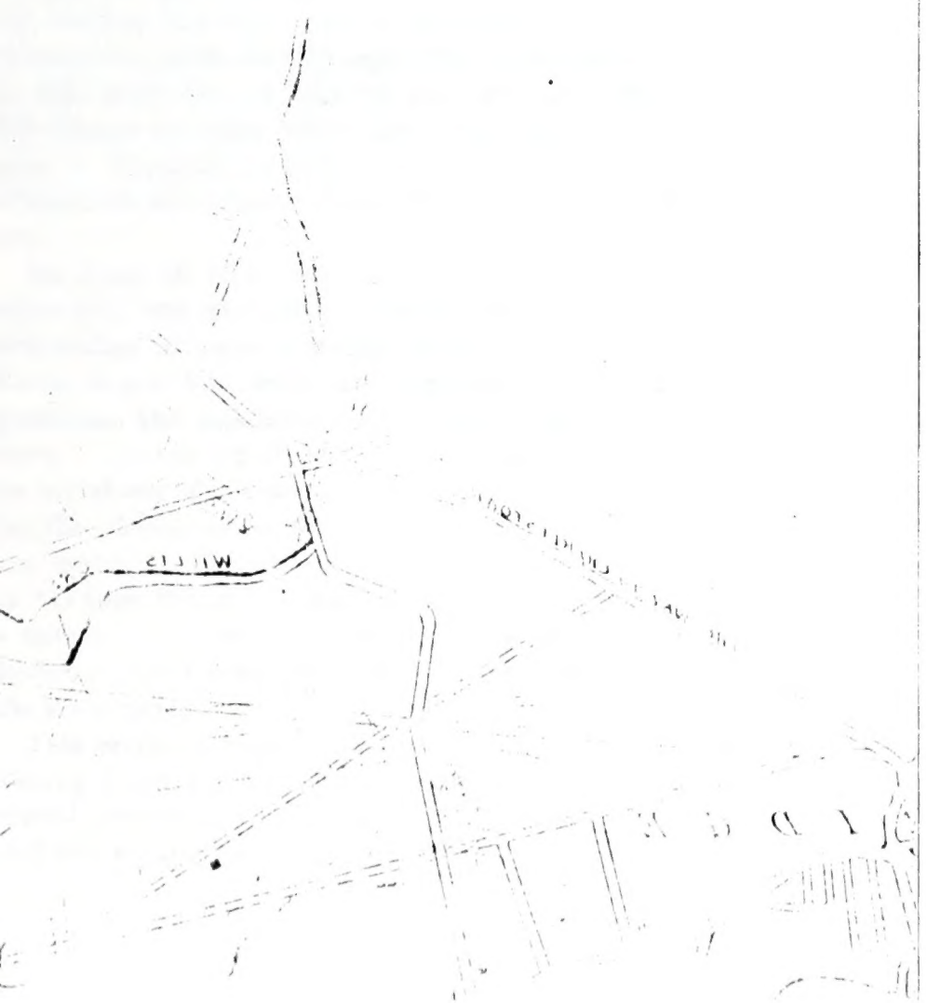
BRIDGES ACROSS CHARLES RIVER
Compiled by L. M. Hastings.
March 1912.
Ancient lines shown thus
Present lines shown thus
Scale.



THE TWENTY-FIFTH MEETING

THE TWENTY-FIFTH MEETING of THE CAMBRIDGE HISTORICAL SOCIETY was held on the twenty-third day of April, nineteen hundred and twelve, at eight o'clock in the evening, in Room J, Emerson Hall, Harvard University.

The President, RICHARD HENRY DANA, presided.

The minutes of the last meeting were read and approved.

For the first topic of the meeting LEWIS M. HASTINGS read the following paper:

AN HISTORICAL ACCOUNT OF SOME BRIDGES OVER THE CHARLES RIVER

INTRODUCTION.

IN the making of that curious thing which is sometimes called the "social life" of a community, that which makes one community individualistic and different from some other community, there is no doubt that its environment, or physical surroundings, exercises an important influence. Much has been written and said in the past about the social life of Cambridge as affected by the literary and culture side of it; very much more has been written about the religious side of it, — comparatively little about the physical or geographical side of it. Yet there is no doubt that the physical situation of this community as related to soil, climate, scenery, access to other centers of trade, culture, or learning has had an important bearing on the activity and character of its social life. In this brief paper it is only proposed to glance at one phase of this subject, — the history of some of its bridges, the construction of which from time to time has been the efficient means of establishing close and enduring relations with the great outside world.

An examination of the map of the vicinity will show at once how isolated and provincial the situation of Cambridge originally was; surrounded by water on the greater part of three sides, the problem of free and convenient intercourse with other communities has been from the first a difficult and expensive one.

It was a problem which was early recognized and with surprising quickness grappled with by the founders of the town. It is really surprising to find that so soon after the determination to found a town here was made, while yet the conditions of living were so hard and the future so uncertain, before even houses could have been constructed in adequate fashion, steps were taken to secure better means of communication with neighboring settlements.

Thus we find the Deputy Governor of the Colony, Thomas Dudley, writing that "after divers meetings at Boston, Roxbury and Watertown, on the twenty-eighth day of December (1630) we grew to this resolution, to bind all the assistants (Mr. Endicott and Mr. Sharpe excepted, which last proposeth to return by the next ship to England) to build houses at a place a mile East from Watertown near Charles River the next Spring, and to Winter the next year."

On June 14, 1631, only six months after the resolution above referred to was made, it is recorded that "Mr. John Maisters hath undertaken to make a passage from Charles River to the New Town, twelve foot broad, and seven foot deep for which the Court promiseth him satisfaction, according as the charges shall amount unto." On the 5th of July, 1631, it was "ordered that there shall be levied out of the several plantations, the sum of thirty pounds for the making of the creek at New Town." This canal or creek was located on the westerly side of what was for many years known as "College Wharf" at the foot of Dunster Street, and was in part a natural creek, enlarged and extended along the southerly and westerly side of South and Eliot Streets, crossing Brattle Street to the town spring.

This creek or passage was probably used as a convenience in loading boats for transporting goods and passengers, and is of special interest as it later led to the establishment and formed a part of a regular ferry across the Charles River at this point.

FERRIES.

The first public ferry across the river seems to have been established in 1631 between Charlestown and Copps Hill in Boston. In 1633 the second ferry was established in Watertown, when Richard Browne — one of three of that name in Watertown who seem to have been active in the early town affairs — was authorized to operate a ferry for passengers from a point near "Sweet Auburn Woods," now Mount Auburn, in Watertown to "Little Cambridge," now the Brighton district of Boston formerly called "Brighton Corner."

The order of the Court reads: "Richard Browne is allowed by the Court to keep a ferry over Charles River against his house and is to have two pence for every single person he so transports and one penny apiece if there be two or more." His house was located just a little east of Mount Auburn Cemetery, where he owned seven acres of upland and two and one half acres of marsh.

Shortly after this ferry was in operation the third ferry was established in connection with the creek above referred to in Cambridge, from what is now the foot of Dunster Street to the southerly bank of "Little Cambridge," or Brighton. Under date of December 7, 1635, it was "ordered, — that there shall be a sufficient bridge made down to low water mark on this side the River and a broad ladder (set up) on the farther side the River for convenience of landing, and Mr. Chaplin, Mr. Danforth and Mr. Cook to see it made."

January 6, 1635–6, it was "ordered that Mr. Joseph Cook shall keep the ferry and have a penny over and a half a penny on Lecture days." From this it would appear that the price of ferrying in Cambridge was but one half that in Watertown, — a seemingly unfair discrimination in freight and passenger rates according to present laws! It was from the southerly terminus of this ferry that the old "highway to Roxbury" began, leading to Boston, as indicated by the old milestone now standing in the Cemetery at the corner of Massachusetts Avenue and Garden Street marked "Boston 7 m. A. I." this last meaning Andrew Ireson, surveyor.

MILL BRIDGE, WATERTOWN.

It is claimed that the first mill established in this country was located in Watertown just above what is now called the Galen Street bridge, its dam forming the limit to salt-water navigation from below. This mill privilege, after being operated for nearly three centuries, is now abandoned and the site is occupied as a park.

At this point also was constructed, in 1648, the first horse bridge ever built in the country. This was called the "Mill Bridge," or "Great Bridge." It took the place of a foot bridge built there in 1641, which for some years had been a toll bridge.

Owing to the lack of means and the crude methods employed in its construction, the "Mill Bridge" was constantly out of repair and was rebuilt in 1667 and again in 1681, and finally was destroyed in 1694. Much controversy followed, the town of Watertown being reluctant to be at the continual expense of maintaining the bridge so generally used, and in 1714 it petitioned the county to be a party to its rebuilding with accommodation for carriages.

This was done, and the bridge was rebuilt in 1716 as a county convenience. It is now maintained by the town of Watertown, and the old wooden structure is now replaced by a very handsome stone and concrete arch bridge.

THE "GREAT BRIDGE" AT BOYLSTON STREET.

The transportation facilities, then, for the inhabitants of Cambridge and adjoining towns from their settlement to the year 1662, required the shipment of goods and passengers by ferry across Charles River either from Cambridge to Brighton, thence along the circuitous route by Roxbury and over the "Neck" to Boston, a distance of about seven and one half miles, or, leaving Harvard Square and passing along "the way to Charlestown," now Kirkland Street, and thence by ferry from Charlestown to Copps Hill in Boston, a distance of about four miles. One very great drawback to this means of transportation was that horses could not be ferried over the river, as the boats then in use were not large enough for horses.

Agitation for a bridge across the river in Cambridge to eliminate the inconvenience and danger of a ferry began in 1656, when the town voted to "pay 200 pounds towards the building of a bridge across Charles River upon condition the same may be effected without further charge to the Town." Nothing was done about it, however, until February 4, 1660, when the town "again considered and debated" the question whether "200 pounds should be levied on the inhabitants of this town; the vote passed on the affirmative."

The bridge was completed before March, 1663, and was called the "Great Bridge."

It would seem that the two hundred pounds voted by the town did not represent the entire cost of the bridge, for on October 12, 1670 the records of the General Court state that —

> "Whereas the bridge on Charles River which was first erected at the cost of the town, *together with the free contributions of several public spirited persons in some neighbor town*, — which bridge being now decayed and by reason of the danger is presented to the County of Middlesex, — and the Town of Cambridge being not able to repair it, so that of necessity it must be pulled up and slighted, and the passage there secured by a ferry, as heretofore, which is not so safe, convenient or useful as a bridge, for a ferry is altogether useless in Winter, and very inconvenient to transport horses and not at all accommodable for carts or droves of cattle."

To encourage the erection and maintenance of this bridge it was then made a toll bridge with fixed toll rates. The collection of tolls on the bridge seems not to have continued long, for the expense of its maintenance was ordered, in 1688, to be borne three-sixths by the County of Middlesex, two-sixths by Cambridge, and one-sixth by "Cambridge Village," now called Newton, then a newly incorporated town. In the same way Lexington when incorporated, in 1713, and West Cambridge or Arlington in 1807 were required to share in the expense of maintenance of the bridge. In 1733, the bridge having been very thoroughly and effectually repaired, after a large portion of it had been washed away by the ice, the General Court granted to the towns of Cambridge, Newton, and Lexington three hundred pounds, and the following year (1734)

granted the three towns three thousand acres of unappropriated lands of the Province, "to enable them forever hereafter at their own cost, and charge to keep, amend and repair the Great Bridge over Charles River in Cambridge."

This continued until 1862, when the General Court authorized and required the city of Cambridge and the town of Brighton to rebuild the Great Bridge, the expense to be borne "in proportion to the respective valuations of the city and town," and thereafter each municipality should maintain its half at his own expense.

This financial history is interesting, as it shows that for many years the obligation of adjacent communities using a bridge to contribute toward its maintenance was early recognized and enforced. An effort to apply this same principle in the payment of the cost of construction of the new Cambridge Bridge was unsuccessfully made at the time when the Act authorizing its construction was passed.

The bridge built in 1663 was swept away by a flood in 1685, and before it was rebuilt in 1690 resort to a ferry was necessary. It was probably at this time of rebuilding, 1690, that piles were first used in its construction, the old piers or supports being cribs of logs filled with stones and sunk in the river; on these piers wooden logs, sometimes split or sawed in two, were laid, spanning the openings. Much difficulty was had in driving the piles at this time, as only hand power could then be furnished in raising the weight or driver. It was said that five thousand blows were required on some of the piles to drive them to a firm bearing. In 1733 the bridge was again carried away by ice and was rebuilt by the proceeds of the sale of town lands held by Cambridge. It was again rebuilt in 1862 by the city of Cambridge and the town of Brighton. Plans are now being prepared by the Engineer of the metropolitan Park Commission for a new bridge upon this ancient site of the first bridge in Cambridge.

CHARLES RIVER BRIDGE, BOSTON.

The next important bridge to be constructed was the "Charles River Bridge" from Charlestown to Copps Hill, Boston. This bridge was built by a private corporation in 1786 and supplanted the old ferry in use there since 1631. It was 1503 feet long and

43 feet wide, and was completed in seven months from the date of its commencement, — a noteworthy feat for that time. Tolls were established, being doubled on Sunday. One rather curious provision of the charter was the old stipulation that the proprietors should pay annually two hundred pounds to Harvard College. This was because the old ferry established in 1631 was granted to Harvard College on condition that the revenue should be used "to defray the tuition of indigent students." The opening of the bridge was marked by a great and famous celebration, at which it is stated more than twenty thousand persons were present. This bridge proved a paying investment from the first, and it is said that by 1826 owners of original shares had received back principal and interest, and a surplus of $7000 per share.

WARREN BRIDGE, BOSTON.

A companion bridge to the last-mentioned was the "Warren Bridge," which was built in 1828, notwithstanding the strenuous opposition of the proprietors of the "Charles River Bridge" and the Charlestown authorities. The tolls on these two bridges were maintained until 1835, when they were abolished on both simultaneously, and they remained free until 1854, when, extensive repairs being needed and funds being short, tolls were again established until the repair fund amounted to $100,000, since which time they have been free.

The present Charlestown Bridge, built of steel on stone piers in 1900, takes the place of both these old wooden pile bridges.

WEST BOSTON BRIDGE.

As Cambridge and the adjoining towns grew in population, the necessity for better facilities for reaching Boston became more and more apparent. As early as 1738 certain Cambridge citizens applied for liberty to establish a ferry between Cambridge and Boston direct; also, a petition for liberty to construct a bridge from "Col. Phips Farm," now East Cambridge, to Boston. In 1785 another petition to the same effect was presented. No action resulted

from any of these petitions. The success of the Charles River Bridge, above referred to, built in 1786, stimulated continued effort, however, and in 1792 a petition was presented to the General Court, and on March 9, 1792, Francis Dana and associates were incorporated as "The Proprietors of the West Boston Bridge" with authority to construct the bridge from the "Westerly part of Boston to Pelham's Island in the Town of Cambridge" with "a good road from Pelham's Island aforesaid in the most direct and practicable line to the nearest part of the Cambridge Road." It was to be a toll bridge, of which three hundred pounds were to be paid annually to Harvard College (this was afterwards reduced to two hundred pounds) for the purpose of defraying "the tuition of indigent scholars." The bridge was built in 1793 and was 3483 feet long and 40 feet wide. Where the causeway crossed a little creek at the present junction of Main, Harvard, and Sixth Streets a bridge about 275 feet long was built called "The Little Bridge." The causeway itself was 3344 feet long. The abutment on the Boston end was 87½ feet long, making the total length of the structure 7189½ feet.

The bridge was built in seven and one-half months; the piles were of pine and driven by hand power. The first cost of the entire structure was twenty-three thousand pounds. The contractor was a Mr. Whitney, while Mungo Mackey and Henry Prentiss were superintendents for the proprietors. The piles of pine wood did not prove durable, and as fast as possible were superseded by oak piles. The bridge was completed in November, 1793, being open for travel November 23, 1793. The "Chronicle" for November 27, 1793, says: "The bridge at West Boston was opened on Saturday last for passengers. The bridge for length, elegance and grandeur is not exceeded by any in the United States if in any part of the World."

The "Columbian Centinel" of the same date says: "The elegance of its workmanship and the magnitude of the undertaking are perhaps unequalled in the history of enterprises." The bridge remained in charge of the Proprietors of the West Boston Bridge until 1846, when it was sold to the "Hancock Free Bridge Corporation," who in turn, on February 1, 1858, conveyed it, together with the canal or "Craigie Bridge," to the City of Cambridge "as

a free bridge forever." The opening of these as free bridges after so many years of toll paying was an event of great importance to the citizens. The event was celebrated in an enthusiastic manner by decorations, a monster procession one and a half miles long, fireworks, and general rejoicing. The doings at the meetings of the Proprietors of the West Boston Bridge, at the "Bunch of Grapes Tavern on State Street," and at the "Coffee House" are recorded in detail, and in the quaint manner of the time, in the books of the Corporation, now in the custody of the City Clerk at City Hall, Cambridge.

That the promoters of this bridge had great faith in the future development of Cambridge and were not relying on the population then existing is clear, for the eastern portion of Cambridge, where the bridge and causeway were constructed, was then almost uninhabited. The Rev. Dr. Abiel Holmes is quoted by Mr. Paige as saying, in 1814, that in 1793, when the bridge was opened, from the home of Chief Justice Francis Dana (on Dana Street) easterly, there were but *four dwelling houses then built* — "one on the Inman Place now belonging to Jonathan L. Austin, Esq.; one nearly opposite on a farm of Judge Dana, formerly the Soden Farm, south of the main road; one on the Phips farm, lately owned by Mr. Andrew Bordman; and one at Lechmere Point."

While this was the condition of things at the time of the completion of the bridge, active steps were taken to attract business and travel by a number of men, Rufus Davenport, Royal Makepeace, Josiah Mason, Daniel Mason, Andrew Bordman, and others, by laying out an ambitious scheme of docks and canals by which the town was to be a port of entry (hence the name "Cambridgeport"), and also several long avenues or turnpikes leading towards the bridge, — Concord Avenue, Hampshire Street, Broadway, and Webster Avenue were so laid out.

This bridge as built in 1793 was considerably modified in the more than a century of its existence. In 1854 it was rebuilt and widened to 50 feet, and 750 feet at its westerly end and 60 feet at its easterly end were filled solid. An interesting fact in connection with this bridge is that the first street railway built in New England passed over it. The tracks of the Cambridge Street Railway Company, first running from West Cedar Street to Har-

vard Square, were opened for travel across the bridge and causeway on March 26, 1856. In 1900 it was entirely removed and the present imposing "Cambridge Bridge" took its place. The story of the construction of this bridge, while interesting, is so recent as to be familiar to most Cambridge residents and so will not be recorded here. Suffice it to say that the construction of the bridge was begun in 1900 under the charge of the Cambridge Bridge Commission and was completed in 1907 at a cost of about $3,300,000.

CRAIGIE OR CANAL BRIDGE.

After the completion of the West Boston Bridge attention was again directed to the abandoned project of a ferry or bridge from Lechmere Point now East Cambridge to Boston. The successful carrying out of the plan to construct a bridge at this point seems to have been largely due to the persistence and energy of one man, Mr. Andrew Craigie, for whom the bridge was named. The story of his tireless efforts and scheming against the opposition of men whose interests were inimical to his is an interesting one, but too long to recite here in detail. It is quite fully told by Mr. Paige in his "History of Cambridge."

The Act of incorporation under which the canal or Craigie Bridge was built was passed February 27, 1807. It provided that "the shares may be held, one third by individual proprietors of the Middlesex Canal Corporation, one third by the individual proprietors of the Newburyport Turnpike Corporation and one third by Andrew Craigie and his Associates."

The bridge was completed and opened for travel in August, 1809. Tolls were to be collected for seventy years. In connection with the construction of this bridge Mr. Craigie and Associates were incorporated as the "Lechmere Point Corporation" to develop and sell land on "Lechmere Point," now called East Cambridge, out of which they evidently profited handsomely. It is stated by Mr. Paige that the first cost of the entire property held by Mr. Craigie was not over $20,000, while it was capitalized after the construction of the bridge for $360,000. Mr. Craigie was also instrumental in consummating, after much litigation and contention, the important public improvements of the laying out of Cambridge

Street in a straight line from near the bridge to Harvard Square and also the laying out of Bridge Street leading to Somerville and Medford.

In 1846 the bridge was sold to the Hancock Free Bridge Corporation, and in 1858 this and the West Boston Bridge were made free bridges, as already related in the account of West Boston Bridge.

It is stated that the total amount of tolls collected on the two bridges, the Craigie and the West Boston Bridge, from 1793 to 1858 was upwards of $2,000,000. The bridge continued in the joint care of Cambridge and Boston until its entire removal in 1910, when it was replaced by a solid embankment at "Charles River Dam," as a part of the Metropolitan Park System.

PRISON POINT BRIDGE.

Little seems to be known of the early history of Prison Point Bridge. In 1806 a charter was granted to the Proprietors of the "Prison Point Dam Corporation" to build a dam from Prison Point in Charlestown to Lechmere Point in Cambridge, also to rent mills. No dams or mills were erected then, but in 1815 (according to Mr. Paige) the bridge was built for the benefit of Canal Bridge. It was laid out as a County Road in January, 1839.

RIVER STREET BRIDGE.

On March 2, 1808, Jonathan L. Austin and others were incorporated for the purpose of building River Street and the River Street Bridge over Charles River. The bridge was completed in 1810. Until 1832 it was maintained by the Proprietors, when the town assumed its care and made it a free bridge.

WESTERN AVENUE BRIDGE.

In 1824 the Mill Dam Corporation of Boston secured a charter to build a turnpike over the "Mill Dam" and through Brighton to Watertown. This gave travel from that locality a shorter route to Boston than by the West Boston Bridge, and threatened to reduce the revenue of the West Boston Bridge Corporation. The Proprietors were jealous of their own interests, and thereupon se-

cured an Act granting authority to build a turnpike and bridges from Cambridge to Brighton and from Brighton to Watertown June 12, 1824, and Western Avenue was built, together with the two bridges. These bridges were maintained by the Proprietors as toll bridges until they sold their whole franchise to the Hancock Free Bridge Corporation in 1846. The Western Avenue Bridge and highway were laid out as a public highway December 22, 1855.

BROOKLINE STREET BRIDGE.

Still another body of men were instrumental in constructing the Brookline Street Bridge. By an Act passed April 25, 1850, Sidney Willard, Edmund T. Hastings, Columbus Tyler, David R. Griggs, and others were empowered to erect a pile bridge over Charles River near the end of what is now Brookline Street and to collect certain rates of tolls for a period of fifty years. This bridge was built in 1851, and it was laid out as a public highway by an Act of the Legislature approved April 13, 1869. Tolls were abolished and its maintenance assumed by the city of Cambridge and the town of Brookline. This bridge was rebuilt at a high elevation in 1906, and the grade crossing over the tracks of the Grand Junction branch of the Boston and Albany Railroad on the Boston side abolished.

HARVARD BRIDGE.

The story of the construction of the Harvard Bridge is too recent to require rehearsal in detail here. For many years efforts were made by Cambridge citizens to secure the construction of a bridge to be located between the West Boston and Brookline Street bridges, which were about two miles apart. For many years the city of Boston declined to join with Cambridge in the construction of this bridge. In 1887, however, an Act authorizing the construction of the bridge was passed, and the bridge was constructed under the charge of three commissioners. The bridge is 2165 feet long and 70 feet wide and cost about $525,000. It was opened for travel September, 1891.

The influence of the construction and opening of this bridge and its connecting avenues upon the development and social life of the city has been important and far-reaching. It was the principal factor in the filling in and so rendering available for use the enormous area of flats and lowlands between the Boston and Albany Branch Railroad and the river. Without it the location of the new Institute of Technology in Cambridge would have been unthought of.

It has become the most popular of the lines of communication between this city and the city of Boston, leading directly to the great retail trade districts and also to the great centers of culture and art on the Back Bay.

Such is the brief story of some of the most important facts relating to the bridges in which Cambridge is interested.

The material growth of the city in the nearly three centuries of its life is fairly well typified in the character and cost of the bridges which serve its needs; the modest expenditure of the two hundred pounds representing the beginnings, and the latest expenditure of over $3,000,000 representing the culmination of its civic life.

Reference is here made to sources from which valuable data were obtained in preparing this paper:

History of Cambridge, Lucius R. Paige.
Early History of Watertown, Henry Bond, M.D.
Annual Report of the City Engineer of Cambridge, 1872.
Annual Report of the Bridge Commission, Cambridge, 1892.
Boston Transcript, September 20, 1889. "Bridges over the Tidal Charles."
Report of the Cambridge Bridge Commission, 1909.
Records of Proprietors, West Boston Bridge Corporation.

For the second topic of the meeting the Secretary read the following paper by WILLIAM COOLIDGE LANE:

THE BUILDING OF HOLWORTHY HALL

THE close of the present College term completes a full hundred years during which Holworthy Hall has been occupied by successive generations of College students. This fact is worth remember-

ing, since the erection of the Hall in 1811–12 marks the beginning of a new epoch in the development of the College Yard. Previous to this time the College had faced to the west, looking over the Cambridge Common; it had turned its back upon what is now the Yard. The three oldest buildings — Harvard, built in 1672–82; the first Stoughton, built in 1699; and Massachusetts Hall, erected in 1720 — formed three sides of a square which opened to the west. With the single addition of Holden Chapel, built in 1744, these three buildings constituted the whole College from 1720 to 1763. In 1763 Hollis Hall was built in line with Stoughton, and formed, with Harvard and Holden, three sides of another square facing to the west. Its western face was its front, and behind it, in the present Yard, were wood-houses, the brew-house, and other out-buildings. Old Stoughton Hall, which had been in constant need of repair and which could not have been substantially built in the first place, was finally taken down in 1780, and its removal made possible a different plan for the future development of the group of College buildings. The next new dormitory to be erected — the present Stoughton, built in 1803 — took the name of that which had been torn down, so that the memory of old Lieutenant-Governor William Stoughton, who had built the original hall, should not be lost. It was placed on a line with Hollis, and extended the group still farther to the north. Like Hollis, it faced the west.

In 1811, another new dormitory being needed, it was voted in the first place (January 14, 1811) "that the Corporation will proceed to erect a new College for the habitation of students on the site of old Stoughton Hall," and Mr. Lowell and Mr. Loammi Baldwin were appointed a committee to make necessary contracts and superintend the erection of the building. If this plan had been carried out, it would have effectually blocked the development of the present College Yard, and would have left no opportunity for later growth, except by stretching out the line of buildings to the south toward the site of the old Meeting House (near the spot where Dane Hall now stands). Fortunately better counsels prevailed, and a plan was adopted which looked forward far into the future. On March 11, 1811, Mr. Baldwin presented a plan for the new College, and it was voted "that the Committee appointed to contract for the erection of the new College be requested to cause

the same to be erected to the eastward of new Stoughton and extending its front southerly, nearly East and West, and that the same be built upon the principles of the plan exhibited by Mr. L. Baldwin, with single rooms in the front, and two studies in the rear, and to form the North side of a quadrangle which, when completed, may be nearly equilateral."

Loammi Baldwin, who apparently drew the plans for the new building, had taken his bachelor's degree in 1800. He entered the law at first, but his real taste was for engineering, and he later became a civil engineer of some distinction. As a young man he was employed on the Middlesex Canal, in later life he completed the Boston Mill-dam and built the dry-docks at Charlestown and Norfolk.

The money with which to build the new hall was not derived from the Holworthy Bequest received many years before, as might be inferred from the name, but came from the proceeds of a lottery, which had been authorized by act of the Legislature March 14, 1806, and the successive classes of which had been put on sale from time to time, as had been found expedient. The treasurer's books show that the lottery produced about $29,000, of which sum $24,500 was spent on Holworthy Hall. This was a not unusual way of raising money for public purposes, and no ill opinion was attached to it at that time. Stoughton Hall had been built in like manner, by a lottery authorized in 1794. Many interesting references to these lotteries and to the manner of selling tickets and drawing prizes are to be found in the Boston newspapers of the time. Several of them are quoted in the Transactions of the Colonial Society of Massachusetts, vol. xiii, pp. 155–159.

On May 14, 1812, we find it stated in the Corporation Records, "that the rent of the rooms in Holworthy Hall be $26. per year, and that they be assigned to the students by the Immediate Government at their discretion, whenever the Committee for superintending the erection of the College shall declare it ready for their occupation." On June 17th the Corporation voted that $500 be allowed Loammi Baldwin, Esq., for his services in planning and superintending the building of Holworthy Hall. At the end of the College year the building was ready to be occupied, and on August 18, 1812, a week before Commencement, which fell that year on

August 26th, the building was formally opened. There is no account of just what the ceremonies were, but the address made by the President on the occasion, as given at length in the College Records, was as follows:

ANNUNCIATION OF THE ENTRANCE INTO HOLWORTHY HALL

AUGUST 18TH 1812.

In compliance with the vote of the Corporation I take the occasion to congratulate the friends, patrons and members of the College on the erection of a new Hall or College for the habitation of Students and to announce the name, which it has been thought proper it should receive. We have no doubt that you observe with great pleasure another commodious and ornamental Edifice added to our establishment. We acknowledge the goodwill of the Legislature which empowered the Corporation to receive the funds for the expensive design and have been happy in the attention, credit and respectability of the Gentlemen who have undertaken to secure to us the benefit of the legislative grant and enable us to accomplish the object without any encroachment on the stated funds of the Institution.

The completion of the work within little more than a year from the commencement of preparation, the plan and the execution, the elegant simplicity and pleasing appearance of the building evince our obligations to the Committee of superintendence; and we mention with great satisfaction the praise due to the builders for the neatness and fidelity of their work, and the activity and perseverance which they have manifested in bringing it so near to a conclusion. We desire to notice the favour of Providence in the exemption of all the persons employed from any unfortunate accident. In selecting a Name, it was thought desirable to associate with the Structure the memory of some distinguished Benefactor, whose name might not have been connected with any part of the University establishment; "Antiquam exquisite matrem." This designation is eminently applicable to Sir Matthew Holworthy of Great Britain, one of the earliest and most generous patrons of our Society. He died in 1678, leaving a bequest to the general objects of the College exceeding that of any individual from the foundation to the time of Mr. Hollis, larger than that of Mr. Harvard; and a Sum which if given now in proportion to the scale of estimating property would go far towards erecting the present building. We have little information of the History or Character of this Gentleman. We have evidence that he was

one of the generous spirits who are interested in human nature and human happiness wherever found. He extended his solicitude to our Society then obscure and little considered by the world and capable of adding little to the reputation of its benefactors, and contributed a Bounty which did much to rear it to a manly strength.

It is a suitable act of Justice, and expression of Gratitude to commemorate our friend and fathers' friend; to endeavour to expiate the neglect which may be thought chargeable upon our predecessors towards the memory of an early supporter, by joining his name to this comely edifice. May Holworthy College contain successive bands of Youths, who shall know how to prize and improve the advantages which the wise and good of distant periods and regions have successively augmented, who shall be examples of the happy influence of godly discipline, who shall form friendships with each other, cemented by virtue, and make acquisitions in science and literature consecrated by piety and applied under the guidance of the best principles and go forth into the world, the excellency of our strength and the joy of our Glory.

Holworthy immediately took its place as the most desirable of the College buildings, and its large, square rooms, each with two bedrooms, and occupying the whole width of the building from north to south, have always made it a favorite. One early evidence of this is a petition, to be found in the College Papers, signed by resident graduates at the time, and requesting that, in the assignment of College rooms, such graduates should have the preference over undergraduates, and that the rooms in the east entry of Holworthy should be assigned to them. For several years before this, graduates had been accommodated in the College House, where they say they have had the "advantage of occupying them singly, but," they add, "we have found the inconvenience much greater than we anticipated. The disadvantages attendant on the local situation of that building, and particularly its contiguity to the street, without specifying several others of minor importance, are very considerable, and we are now desirous of changing our situation." Among the reasons which they present for having the Holworthy rooms assigned to them is one which they consider "not altogether unworthy of notice, that the rooms occupied by graduates will be kept in better repair, as they will not be so liable to be defaced." "Another reason may be sug-

gested, if it be an object with the Heads of the University to encourage the residence of graduates, — that the assignment of the first rooms to them will be a strong inducement for them to remain; & as it respects ourselves, we are perfectly willing to pay the same compensation for the use of such rooms, as would be assessed upon undergraduates. There is something degrading in the idea, nor would a student, who was desirous of pursuing his studies at College, as a graduate, consent, without reluctance, to return & occupy, for three or four years more, the inferior room, which he occupied in his freshman or sophomore year. In fine, we can conceive of no reason, so long as graduates are permitted *any* rooms within the walls of College, why undergraduates should be entitled to the preference in the assignment."

It would seem that the name chosen for the Hall, which to us, from long use and pleasant associations, seems euphonious, was not so considered at the time, and there is in the College files a letter from President Kirkland, addressed to the Treasurer, Judge Davis, in which he says:

"I find some gentlemen are sorry to have our new college receive so hard a name — *H*olworthy *H*all — has two aspirates beside the *w* & the *th* — which twist & squeeze the organs not a little. Is there any other better or more suitable — or will you reconsider on account of this objection — which is of some consequence."

A word should be added in regard to Sir Matthew Holworthy, for whom the Hall is named. The detailed presentation of the few facts known in regard to him, as derived from contemporary documents, will be found in an article by Albert Matthews in the Transactions of the Colonial Society of Massachusetts, vol. xiii, pp. 153–180. His father was Richard Holworthy, a merchant of Bristol, at one time sheriff, mayor of the city in 1634–35, alderman in 1637, and a member of the Soapmakers' Company. His son, Matthew, was born in 1608, was educated at Brasenose College, Oxford, and received his Bachelor's degree there in 1629. He was sent by his father into France, where he became a merchant, and was, for a time at least, in Marseilles, but returned to England after his father's death. He was three times married: first, in 1652, to Mary, daughter of Robert Henley; second, in 1664, to

Lucy Jervoice; and third, in 1669, to Susanna Henley, daughter of Henry Henley, a cousin of the Robert Henley mentioned above. He was knighted May 12, 1665, and died in the fall of 1678, being buried in the Church of St. John, Hackney. Lady Holworthy was buried in the same church May 2, 1690. In Sir Matthew's will, dated May 9, 1677, he bequeaths "unto the Colledge or university in or of Cambridge in New England the summe of one Thousand pounds to be paid and made over to the Governors and directors thereof to be disposed of by them as they shall judge best for promoteing of learning and promulgation of the Gospell in those parts. The same to be paid within Two yeares next comeing after my decease." What first interested him in the struggling college beyond the seas is not known, but it is a fact that a few years before, the College being in serious straits and in a declining condition, an agent had been sent over to England to solicit help and that several substantial gifts had been received. One of the first of these was a gift, in 1669, of £27 from Henry Henley, of Lyme Regis, in Dorsetshire, who, Mr. Albert Matthews has shown, was a brother of Sir Matthew's third wife, Susanna Henley. Almost at the same time with the Holworthy bequest came the bequest of Theophilus Gale, philologist, philosopher, and theologian, who, dying in 1677, left his valuable library of scholarly books to the College and soon after, in 1682, followed the gift from Sir John Maynard of eight chests of books valued at £400. It is interesting to notice that the Holworthy and Gale bequests and the gift of books from Maynard were received while the building which stood on the present site of Harvard Hall was in process of erection (1672–82). Our only representation of it is in Burgis's view of 1726.

The portraits of Sir Matthew and Lady Holworthy, which have lately come into the possession of the College, were painted by Sir Peter Lely. They had come down into the hands of Herbert Fleetwood Holworthy, Esq., of Bury St. Edmunds, who consented to part with them, since they were to come into the possession of the College, of which Sir Matthew was the largest benefactor in the seventeenth century. They were given to the College by J. Pierpont Morgan Jr., of the Class of 1889, and Edward F. Whitney, of the Class of 1871.

For the third topic of the meeting WILLIAM E. STONE read the following paper:

A PETITION OF DR. DANIEL STONE, MARCH 4, 1672/3, AND SOME ACCOUNT OF HIS FAMILY AND ANCESTORS

SOME time ago I obtained at a sale of manuscripts at Libbie's Auction Rooms a petition of Dr. Daniel Stone to the Court of Assistants at Boston which, although it has no direct bearing on the history of Cambridge, is interesting as being written by one of the earliest inhabitants of Cambridge and one of its earliest physicians. The petition is as follows:

The humble petition of Daniell Stone to this hon^rd^ Court of Assistants now Assembled at Boston

March 4^th^ 1672/3

This hone^rd^ Court may please to remind that about 14^moth^ since ther ware many french men suffered shipwrack upon our Coaste amongst w^ch^ ther wer eight escaped & brought hither greatly frozen & almost naked. The Authority toke care for ther accomidation & appoynted me the managment therof (viz) for ther lodging washing dieet clothing cueer & affter cueer ther transportation to ther severall homs & to deffray the charge therof, w^th^ yo^r^ hone^rs^ promise I shold be Reimbursed. Which is p^r^ me accomplished & paied longe since before I had effects elc I had ben sued longe ere now. I have disbursed 40 pound & more in cash beside ther cueer, my time and charge about them being grate for the space of 12 or 13 weeks 7 or 8 hourrs in a day myself & servant with large expence of wine & brandy, by Rason of grat mortification sume [suffered] the lose of all ther toes & part of ther feet, w^ch^ expence was instrumentall under god to presarve ther lives & the Ressedue of ther lims. they ware soundly cuered & sent by y^r^ honers order hom to the grat honere & creditt of the cuntry. But I remaine yet unpaid haveing Rec^d^ but forty pounds of the hone^rd^ Cuntry Treseurer. these are therfor humbly to implore the favor of this hon^cd^ court that I may be releved & paied. My bill is with the Court the totall being 70 pounds 7 shillings. If yo^r^ honers demand the Receaits of the severall payments thay are Redy. I beege pardon for my bouldness & subscribe myselfe y^r^ honers humble sarvant & poor petetioner

7 September 1672 DANIELL STONE

In Ans^r^ to this petition the Court Judgeth it meete to order the Tresurer in ffull sattisfaction of the petitioners bill to pay him twenty pounds more in mony

By the Court

EDW RAWSON, Secrty

I note in this petition certain peculiarities of spelling which would seem to be an indication of some of the ways of pronunciation of our English ancestors of those times. "Servant" is spelled "sarvant"; "preserve" is "presarve"; "reason" is "rason"; "receipts" is "recaits"; "were" is "ware," and "shipwreck" is "shipwrack." I take it that those were the ordinary pronunciations of the time.

This Dr. Daniel Stone the petitioner, was a son of Deacon Gregory Stone of Cambridge, and as a good deal of information about Gregory Stone and his family has come to light since the publication of Paige's History of Cambridge, it may be worth while to add to Paige's account of Gregory Stone and his family what has since been learned about his English home and ancestors.

Gregory Stone came from England in 1635 with his brother Simon Stone of Watertown, and we now know that they were both born at Great Bromley, or, as it was formerly called, *Much* Bromley, in Essex County, England. The Parish Registers of Great Bromley contain the following records:

Feby. 9, 1585–6, was baptized Simond Stone, son of Davie Stone & Ursly his wife

April 19, 1592 was baptized Gregorie Stone, son of David Stone

and August 5, 1616, is recorded the marriage of Symond Stone and Joan Clarke.

David Stone, the father of Simon and Gregory, was the son of Symond and Agnes Stone of Much Bromley, and is named in his father's will, dated July 28, 1558. Up to this point the ancestry of Simon and Gregory is beyond question; but it is almost equally certain that this Symond Stone of Much Bromley, the grandfather of Simon and Gregory, was the grandson, through an eldest son David, of a still earlier Symond Stone of Much Bromley, whose will is dated May 12, 1506, and was probated February 10, 1510. Much,

or Great Bromley, the home of so many generations of the ancestors of our Gregory Stone of Cambridge, is five miles east of Colchester, the principal city of Essex County, and fifty-eight miles from London. A few years ago some of the American descendants of Simon and Gregory Stone united in erecting a beautiful memorial window in the ancient church of Great Bromley with this inscription: "To the Glory of God and to the memory of Simon and Gregory Stone, Brothers, who were born in this Parish, baptized in this Church, and emigrated to Massachusetts in New England in 1635, this window is erected by American descendants."

Simon Stone, the elder of the two brothers, married at Great Bromley, in 1616, Joan Clarke, as noted above. He removed to Boxted, Essex County, between 1621 and 1624, and resided there until he emigrated to America in 1635. Gregory Stone removed from Great Bromley to Nayland, Suffolk County, some time before 1617, in which year he married there Margaret Garrad, daughter of Thomas and Christian Garrad of Nayland. The following extracts from the Parish Register of Nayland give his marriage and the birth of all of his children:

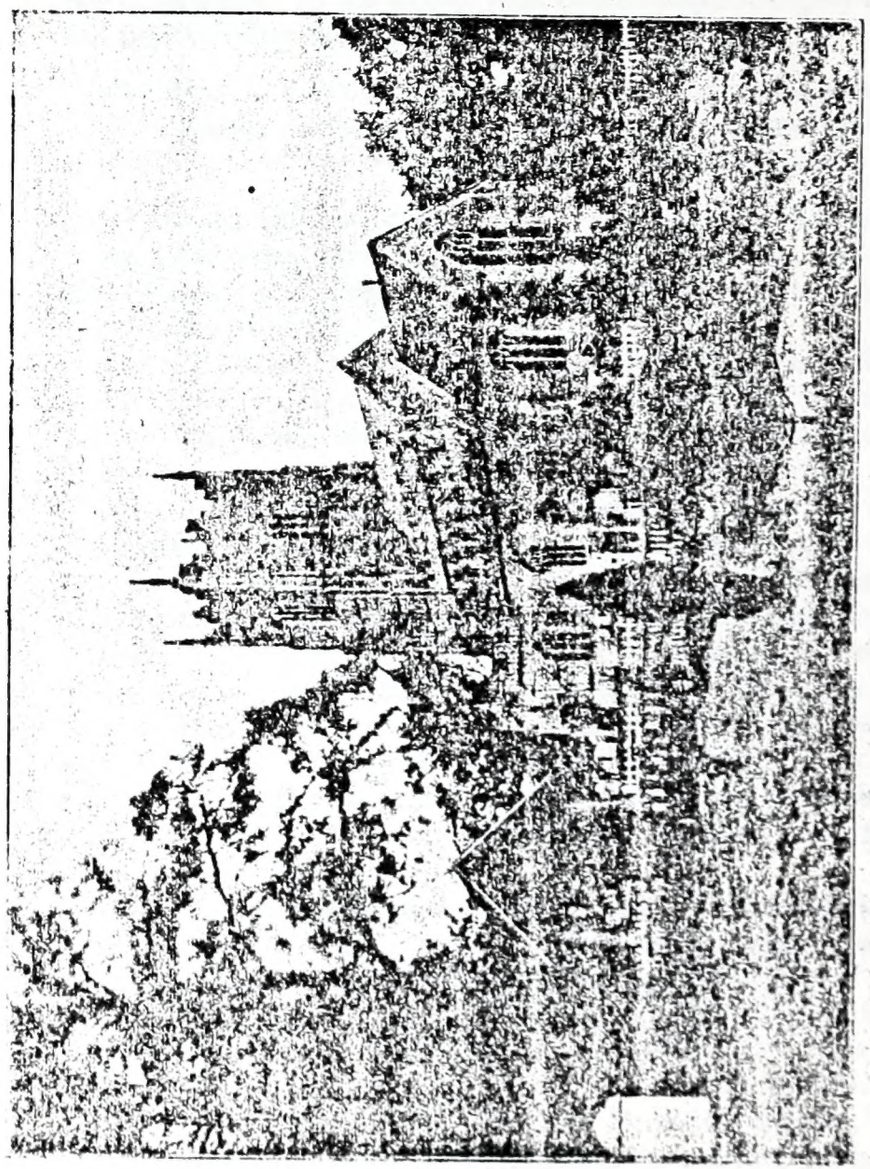
1617, Julie The 20 daie wer married Gregory Stonne and Margaret Garrad
1618, July. The last daie was bapt. John, sonne of Gregory Stonne
1620, August. The 15 day was bap. Daniel ye sonne of Gregory Stone
1622, Septem: 22 was bapt David ye sonne of Gregorie Stone
1624, October 8. was bap. Elizabeth, the daughter of Gregory Stone

Then follows the death of his wife and daughter:

1626 Aug: 4 was buryed Margrett, the wife of Gregory Stone
" " 6 was buryed Elizabeth the daughter of Gregory Stone

The deaths so near together of the mother and daughter make it seem probable that they died from one of the epidemics so common at that time.

About two years after the death of his first wife, Gregory Stone married as his second wife the widow Lydia Cooper, who came here to Cambridge with him and who formerly was supposed to be the mother of all his children. The record of this marriage has not been discovered, as far as I know, but from other sources it is known beyond much question that she was from Dedham in



CHURCH AT GREAT BROMLEY

Essex and that she was the widow of Simon Cooper of that place. Dedham and Nayland are both on the river Stour and are only a few miles apart. By his second wife, Lydia Cooper, Gregory Stone had the following children, recorded at Nayland:

1628 March 6 was bap Elizabethe the daug: of Gregorie Stone
1630 February 4 daie was bapt. Samuell sonne of Gregory Stone
1632 Feby. 8 was bapt Sarah daughter of Gregory Stonne

So of the six children who came to New England with Gregory Stone three, John, Daniel, and David, were by his first wife Margaret Garrad, and three, Elizabeth, Samuel, and Sarah, were by his second wife, Lydia Cooper.

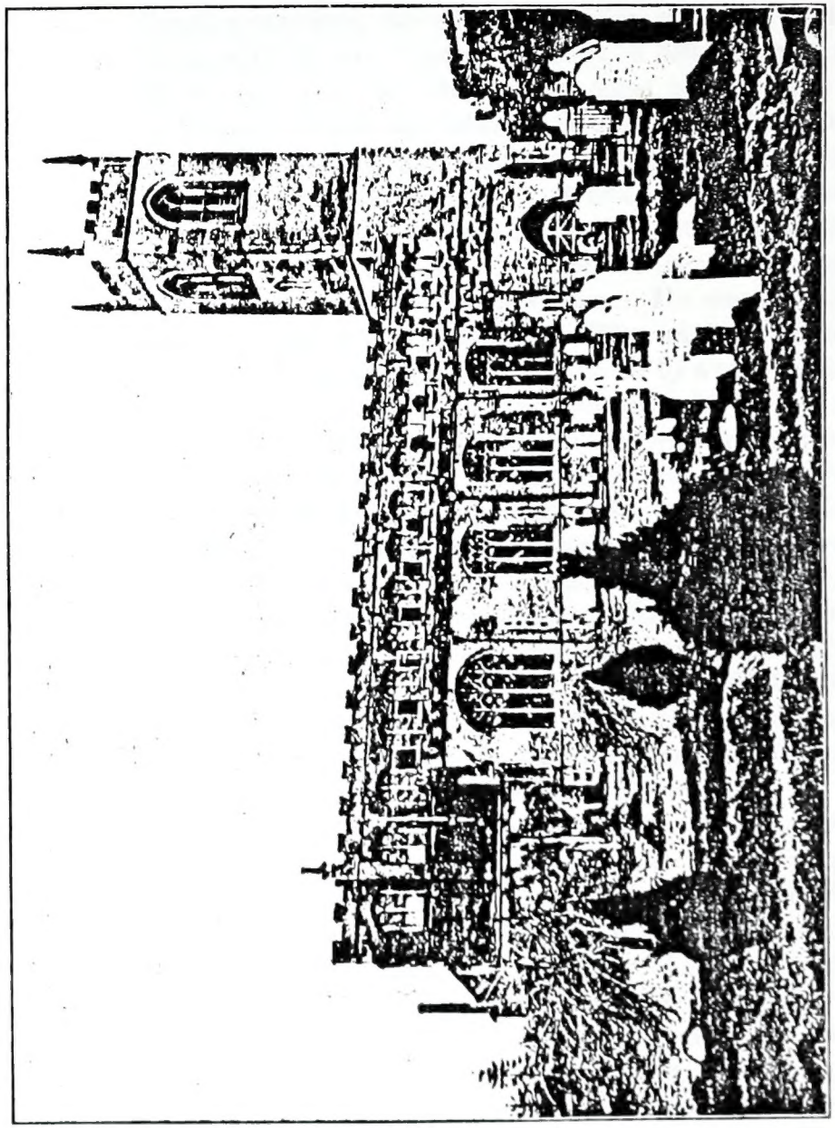
Although Boxted, the English home of Simon Stone, is in Essex, and Nayland, the home of Gregory, is in Suffolk, the two towns are really adjoining, being separated only by the river Stour, which is the boundary line between the two counties. Boxted and Nayland are five or six miles north of Colchester and about nine miles from Great Bromley, where Simon and Gregory were born. Nayland is also only six miles from Groton, the English home of Governor John Winthrop, and that there had been some kind of business transactions between Governor Winthrop and Gregory Stone is shown in a letter written by Governor Winthrop from here in 1630 to his son John at Groton in England, in which he says, "Demand of Stone and Bragge of Nayland £15. you have bond for it." The Stone here named was Gregory Stone, as the Parish Records of Nayland show that there was no other Stone living there at that time.

It was from these eastern counties of England — the East Anglia of Saxon times — that a large proportion of the earliest settlers of New England came. A glance at the map of this part of England will show whence very many of the old New England towns derived their names. Within the radius of a few miles from Nayland and Boxted we find the towns of Dedham, Sudbury, Groton, Braintree, Haverhill, Ipswich, Harwich, Yarmouth, Malden, Waltham, Wrentham, Needham, Framingham, Chelmsford, Colchester, Danbury; farther north in Lincolnshire, Boston; and near by in the adjoining counties, Cambridge and Hertford. Hertford was the birthplace of the Rev. Samuel Stone, another of our earliest Cam-

bridge settlers, who was formerly erroneously supposed to be a brother of Deacon Gregory Stone. As a matter of fact he was the son of John Stone, a householder of Hertford, who may have belonged to the nearby Essex family of Stones, though the connection has not thus far been traced. The Rev. Samuel Stone was educated at Cambridge University, like so many of the early Puritan divines, and came here to the New England Cambridge with the Rev. Thomas Hooker. After living here three years he removed to Hartford, Connecticut, and it was in his honor that the Connecticut town was named for his English birthplace.

The beautiful valley of the River Stour, where Nayland and Boxted lie, is the country of the English artist Constable. He was born at East Bergholt in Suffolk, near by Nayland and across the river from Dedham, and practically all his landscapes are scenes in the vicinity. He himself has written "those scenes made me a painter." Many of you will recall his two paintings, "Dedham" and "Dedham Vale," in the National Gallery in London. Over the altar of the fine old church of St. Stevens at Nayland where Gregory Stone was married and used to worship, is a half-length painting of Christ, an altar-piece which was painted by Constable and presented to the church by the artist himself. The artist Gainsborough is also associated with this same locality. He was born at Sudbury in Suffolk, a few miles up the river from Nayland, and passed the early years of his life there.

Simon and Gregory Stone left their English homes and came to New England in 1635. The names of Simon Stone and his family appear in the List of Emigrants sailing from London in the ship "Increase" in April, 1635, and Gregory and his family undoubtedly came in the same ship, although his name does not appear in the existing Lists, which are now very incomplete, those that were not actually lost or destroyed in course of years having been greatly damaged by lack of care and dampness. It is very unlikely that two brothers living so near together in the old country and who appeared here together at the same time should have made the journey in different vessels. It is significant, too, that among the passengers by the "Increase" was at least one other man from Nayland — Thomas Parrish — who settled here in Cambridge and was Gregory Stone's nearest neighbor on Garden Street. The names of both



CHURCH AT NAYLAND

Simon and Gregory Stone are on the list of Townsmen of Watertown, February 28, 1636, but while Simon remained in Watertown, Gregory very early moved to Cambridge; and as in England the two brothers lived near together although in different counties, so here their homes were only about a mile apart, although one was located in Watertown and the other in Cambridge. The home of Simon was on the river at Mount Auburn, and that of Gregory about where the Harvard Observatory now stands. Gregory Stone lived in Cambridge to a good old age, dying November 30, 1672, at the age of eighty years. He was a deacon of the Cambridge church and the last survivor of its original members. He was buried in the old cemetery near Harvard Square. The original headstone of his grave has disappeared and been replaced by a modern stone, but the original footstone is still in place marked with his initials G. S.

John Stone, the eldest son of Deacon Gregory, early in life settled in that part of Sudbury which afterwards became Framingham. He married Anne How, whom he must have known as a child in the old country, for she was a daughter of Elder Edward How of Watertown, who, like Simon Stone, came from Boxted. After the death of his father he moved back to Cambridge and occupied the homestead and lived there the rest of his life. He had been a deacon of the Sudbury church and was chosen Ruling Elder of the church of Cambridge. He died May 5, 1682, aged sixty-four, and is buried beside his father in the Old Cambridge Burying Ground. His gravestones are still in perfect preservation.

Daniel Stone, the second son of Deacon Gregory Stone, was the writer of the petition you have just heard. He was a physician, or "Chirurgeon" as he is called in the old records. He lived in Cambridge at the corner of Dunster and Mount Auburn Streets, and about 1657 moved to Boston. On the ship "Increase," which brought to this country Daniel Stone with his father Gregory, was a Simon Eire, Chirurgeon, who, like Simon and Gregory, settled first in Watertown, but in 1645 moved to Boston, where he practiced his profession till his death in 1658. Now it seems to me very probable that it was with this Dr. Simon Eire, living in Watertown not far from his father's home, that Daniel Stone studied medicine, and what makes it more probable is that Dr. Daniel Stone moved to Boston from Cambridge just about the time of the death of Dr.

Eire. I think there is little doubt that he succeeded to the practice in Boston of the physician with whom he had formerly been a student of medicine. Dr. Daniel Stone seems to have become a prominent and influential citizen of Boston. We learn from Judge Sewall's Diary that he was one of a council chosen from the three churches of Boston to try charges brought against their pastor by the congregation of the Rev. Thomas Chiever Jr. of Malden. Judge Sewall, Adam Winthrop, Increase Mather, and Cotton Mather were among other members of the same council. He died in March, 1686/7. His death is not recorded in the existing Boston Records, but Judge Sewall mentions it in his Diary. Under date of Sunday, March 20, 1686/7, he writes, "Dr. Stone and Abraham Busby dye." Dr. Stone left no male descendants, as his only son, Daniel, died in Boston at the age of fourteen years. He left three daughters, all married: Mary Walker, Sarah Edwards, and Abigail Keech, whom he appointed executrixes of his will, and he named as Overseers to assist them "my loving friends, Mr. Adam Winthrop, Mr. John Clarke and Mr. Timothy Prout." His children were all born in Cambridge except one daughter, Mehitable, who was born in Boston in 1658, but the birth of this child cost the life of the mother, who died seven days later. The child also probably died young, as she was not living when the father made his will. I do not know the maiden name of Mary, the wife of Dr. Daniel Stone. Paige's History of Cambridge says he married about 1643 Mary, widow of Richard Ward and daughter of John Moore of Sudbury, but this is a palpable error. The Daniel Stone who married the widow Mary Ward was the nephew of Dr. Daniel Stone and the son of his brother Elder John Stone of Cambridge.

David and Samuel, the other two sons of Deacon Gregory Stone, inherited his lands at Cambridge Farms, now Lexington and Lincoln. Samuel, like his brother John, was a deacon of the church and is several times mentioned in Sewall's Diary. He married a daughter of Israel Stearns of Watertown, whom he must have known from childhood in England, for she too came with her father from Nayland in Essex.

When Gregory Stone married the widow Lydia Cooper, she brought into his family two young children by her first husband, John and Lydia Cooper. They grew up with his own children and came

with him to Cambridge. They seem to have always been treated as his own children, and they were generously remembered in his will. John Cooper, too, became a deacon of the church here in Cambridge. He was for thirty-eight years one of the Selectmen and for thirteen years Town Clerk.

The Parish Register of Dedham in Essex, England, shows the baptism, March 14, 1618, of John Cooper, son of Simon Cooper. This is unquestionably our John Cooper of Cambridge, and here we find one more instance of one of our first settlers seeking a wife from among the companions of his childhood in Old England, for he married Anne Sparhawk, the daughter of Deacon Nathaniel Sparhawk of Cambridge, and she, like himself, was born and spent her early years in Dedham, England. Sarah Stone, the youngest daughter of Deacon Gregory and half sister of Deacon John Cooper, and Mary Cooper, the daughter of Deacon John Cooper, married brothers, sons of Joseph Merriam, Sr. of Concord. Sarah Stone married in 1653 Joseph Merriam, Jr., and Mary Cooper married in 1663 John Merriam, a younger brother of Joseph, Jr.

Deacon John Cooper built in Linnæan Street, near the home of his step-father Gregory Stone, the house now known as the Cooper-Austin house, the oldest house now standing in Cambridge, in the preservation of which, as a historic landmark, the members of this Society have shown such an active interest.

For the last topic of the meeting OSCAR F. ALLEN read the following paper:

JOHN TAYLOR GILMAN NICHOLS, M.D.

1859–1911

DR. NICHOLS was born in Portland, Maine, August 11, 1837.

He was the eldest son of George Henry Nichols, M.D., who was also born in Portland, August 26, 1814. He was graduated from Harvard College in 1833 and received the degree of Doctor of Medicine from the University of Pennsylvania in 1836. He died in Boston, February 5, 1890.

His mother was Sarah Atherton, daughter of Colonel Abel Willard Atherton of Lancaster, Massachusetts, and Margaret his

wife, the young widow of Lieutenant George W. Duncan, U. S. Army, and daughter of Major Lemuel Weeks of Portland. Colonel Atherton entered Harvard College at the age of eighteen, of which college his father, Dr. Israel Atherton of Lancaster, was a graduate, but illness prevented the completion of his course. He received his military title for services rendered in the War of 1812 in the defense of Portland. He engaged in the West India trade and died at the age of forty-four in the prime of life from yellow fever contracted on board one of his ships that had come from an infected port. He was descended from James Atherton, the immigrant ancestor, who came from England in 1625 and first settled in Dorchester, Massachusetts. He died in Sherburne, Massachusetts, in 1710.

Soon after the birth of his son, Dr. Nichols, Senior, removed to Standish, Maine, where for over twenty years he had a large but isolated practice, in which he developed both originality and skill that in a large city, among his equals, would have placed him in the foremost ranks of his profession. Here, in one of the most beautiful and picturesque of New England villages, his son John passed his boyhood days. There was an excellent Academy, promoted largely by his father's efforts, who was foremost in everything pertaining to the welfare of the people among whom he had cast his lot. Here, his son — guided by a wise mother, a woman of rare refinement, whose influence he felt throughout his life — acquired not only his early education but the foundation of mental and physical strength that carried him through a long and useful life. He also acquired an ardent love of nature in all her varying aspects, from the beautiful landscape and wonderful coloring of sunrise and sunset, of which his early home gave an extended view, to the depths and solitude of the forest where he loved to wander, and after he grew to manhood and the cares and responsibilities of his profession were heavy upon him, a sail down the harbor, a tramp in the woods, or a day of hunting or fishing was the recreation he enjoyed.

On August 9, 1900, Dr. and Mrs. Nichols attended the first observance of "Old Home Day" in Standish. After a tribute to his father and mother, Dr. Nichols said: "I cannot find words to express the pleasure it gives me to meet here some who, after

these many years, still remember them with affection and respect. My own memories are those of childhood and youth. To-day they come to me so vividly that I wonder if I am not in my second childhood. They are very pleasant ones — a happy home, warm friends, the simple pleasures of a country boyhood — never to be forgotten while memory lasts. It is indeed good to be here, and I thank this Association for giving me the opportunity to greet old friends and to express my love for my old home."

After Dr. Nichols became settled in Cambridge, his father, with other children to educate, removed from Standish to Boston, where he continued to practice his profession and where he also took an active part in public affairs. For many years he served on committees of the public schools and was also a member of various charitable organizations and, for fourteen years, superintendent of the Sunday-school of the Church of the Unity. He was a man of varied attainments, a ready and eloquent speaker, graceful and gracious in manner, and one of the handsomest men of his day. On October 10, 1886, he and his wife celebrated their golden wedding at the home of their son in Cambridge, and the remains of both now rest in his family lot at Mount Auburn.

Having decided upon his profession, Dr. Nichols entered the Harvard Medical School, from which he received his degree of Doctor of Medicine in 1859. He also attended lectures and took a special course of study at the Lawrence Scientific School. He studied directly and in a most personal way under Dr. Jeffries Wyman, Dr. Morrill Wyman, Dr. John Ware, and Professor Josiah Cooke, whose virtues he never ceased to extol, and who next to his home life he felt exerted the greatest influence upon his character. He studied anatomy under Dr. Jeffries Wyman in what is now Holden Chapel, and the opportunities under that most famous man were unexcelled. He also had the good fortune to be a student under Dr. Morrill Wyman, who made practical, in a most forceful way, the many lessons in the class-room.

At a meeting held in Dr. Wyman's memory by the Cambridge Medical Improvement Society, March 3, 1903, Dr. Nichols paid the following tribute:

"It has been said that the qualities which mark the good physician are learning, sagacity, humanity, and probity. All who knew him well

say that Dr. Wyman bore these marks. For nearly fifty years I was in close association with him as a student and a fellow practitioner. It was for a few years only that he found time to give instruction to medical students. Those who were so fortunate as to have this privilege placed him in the front ranks of teachers of medicine."

Dr. Nichols' grandfather, Rev. Ichabod Nichols, D.D., a distinguished clergyman and scholar, a graduate of Harvard and for fifty years pastor of the First Parish Church in Portland, which was his first and only settlement, had removed to Cambridge, and in his home his grandson had the advantage of meeting the most prominent and cultured people of the famous College town. Rev. Dr. Nichols had married, for his second wife, Martha Storrow Higginson of Boston, whose family connections were numerous and prominent, and this added much to the rare advantages of the home. This environment had much to do in forming the young man's character and stimulating his ambition. His father was also a man of broad culture and a most remarkable memory, and during his long and tedious drives in the country he had accustomed himself to repeat both prose and poetry from the best authors, modern and classical, and his son inherited much of the same taste and from his earliest youth had acquired the love of good reading. With all these family associations, it was but natural that he should select Cambridge as the field in which to practice his chosen profession.

Upon finishing his course at the Medical School, his thesis upon "The Nature and Treatment of Diabetes" was one of those selected to be read at the graduating exercises.

After a short term at the Hospital at Rainsford Island, where he had a most unusual and interesting experience with smallpox, he opened his first office in Cambridge, in the historic Wadsworth house, in the summer of 1859. It was a position both central and attractive. He was self-supporting from the beginning and early secured the confidence of a large practice.

Soon after he had established himself the Civil War broke out, when he, with other Cambridge physicians, at once offered his services. June 1, 1862, he was appointed Acting Assistant Surgeon, U. S. A., at Camp Day, and discharged November 1st of the same year. On May 16, 1864, he was appointed Sergeant of the Twelfth

Unattached Company, Mass. Vol. Infantry, stationed at Provincetown, and mustered out on Boston Common August 15, 1864.

The officers of this company were Charles F. Walcott, Capt., Charles F. Foster, 1st Lieut., Nathan G. Gooch, 2d Lieut., and the sergeants were Alpheus Hyatt, Charles W. Sever, John T. G. Nichols, Daniel T. S. Leland, and Benjamin Vaughan. For many years Dr. Nichols was a member of John A. Logan Post 186, G. A. R.

Among his fellow physicians at this time were Morrill Wyman, Henry P. Walcott, Charles H. Allen, Francis H. Brown, Moses Clarke, Charles F. Foster, Anson Hooker, Henry O. Marcy, Anson P. Hooker, James R. Morse, John B. Taylor, A. C. Webber, W. W. Wellington, F. Winsor, and S. W. Driver, the latter his close friend and neighbor during his life. The fee for an ordinary visit was $1.25; night visits from ten o'clock until sunrise $2.

With over thirty thousand inhabitants Cambridge at this time had no hospital for her indigent sick. The Massachusetts General Hospital had but few available free beds. In the spring of 1867 Miss Emily Parsons secured a house suitable for the purpose and started the first Cambridge Hospital. Her efforts met with Dr. Nichols' most hearty assistance, and during the first year he and Dr. Charles Vaughan visited the hospital daily in alternate months, both of whom, with Dr. S. Cabot of Boston and others, were mentioned with gratitude in the first annual report. Dr. Nichols continued as medical visitor as long as this hospital was in existence.

On October 2, 1867, Dr. Nichols married Helen Williams, daughter of John Taylor Gilman, M.D., of Portland, Maine, and Helen Augusta, his wife, daughter of Hon. Reuel Williams and Sarah (Cony) Williams of Augusta, Maine, and upon returning from their wedding journey to the grandeurs of the Adirondacks, they went at once to their own home at No. 63 Brattle Street, on the corner of Appian Way, where they continued to reside during the doctor's life. Here were born their four children, Henry Atherton Nichols, May 27, 1869; Helen Gilman Nichols, March 31, 1872; John Taylor Gilman Nichols, October 12, 1877; Edward Gilman Nichols, May 12, 1881. And here too came their first sorrow in the death of their little Edward, December 28, 1882; and on Sunday morning, September 22, 1907, upon the same day

of the week upon which she was born, they met with the unspeakable loss of their only and most beloved daughter, Helen, who was the joy and comfort of their declining years. She was a young woman of rare beauty and strength of character, unselfish, and devoted not only in her own home but wherever good and noble deeds were to be done. From this sorrow the doctor never fully recovered, and it marked the beginning of his gradual decline.

His marriage was an ideal one, and it is not out of place to pay a tribute to the devoted and faithful wife, who shared not alone his joys and sorrows but the anxieties and responsibilities of his profession, and who followed his cases with earnest solicitude, cheering him in times of anxiety and rejoicing in his success.

In his home he was genial, hospitable, and unselfish, the companion of his children and their never failing friend. He shared their pleasures and helped them through all their difficulties. He was generous to all who were bound to him by kindred ties and ever ready to respond to public calls for aid in any worthy cause.

He had a singularly sympathetic, tender heart, a smile of rare sweetness, a nature hopeful and cheering, yet, where a wrong was to be righted or a stand for reform to be taken in affairs concerning the health or wellbeing of his town or community, he was strong and unyielding, even if he incurred personal offense or enmity.

The parents of Mrs. Nichols were of distinguished lineage, Dr. Gilman having been one of the most prominent physicians of the State of Maine. Like his son-in-law John Taylor Gilman Nichols, he derived his name from John Taylor Gilman of Exeter, New Hampshire, for fourteen consecutive years Governor of the State, whose daughter Dorothea married Rev. Dr. Ichabod Nichols and was the paternal grandmother of young Dr. Nichols. From Governor Gilman and his brother Nathaniel, who also held many important positions in the State, both traced their ancestry to the same source, the first Edward Gilman, who came from Hingham, England, to Boston in the ship "Diligent," August 10, 1638, down through his son, Councillor John Gilman, Judge Nicholas Gilman, Colonel Daniel Gilman, Colonel Nicholas Gilman, to the Governor and his brother, one of whom married a daughter, the other a granddaughter of General Nathaniel Folsom of Exeter, who had a most distinguished record and was made Major-General

of the New Hampshire patriot forces, and as such served in the Siege of Boston.

While every man is dependent for success upon his own personal efforts and ambition, certain characteristics may often be traced to remote ancestors, and perhaps few men had such a varied and remarkable lineage. Upon his father's maternal side Dr. Nichols was a lineal descendant of Governors Winthrop, Dudley, and Hutchinson, and the latter's famous wife Anne; also of John Winslow, who married Mary Chilton of the "Mayflower"; Major-General Daniel Denison, whose public services only ended with his death; Rev. John Rogers, one of the early presidents of Harvard College; and a long line of ancestors on his mother's side as well, not one of whom came to this country later than the fifteenth century, who were prominent in all the affairs of the Colonies, both civil and military, and many of whom in their wills left both arms and ammunition to sons and grandsons. And then, on his father's paternal side, was such a remarkable contrast the influence must have been felt for many generations: Thomas Nichols of Amesbury in 1665; his son Thomas, who married Jane Jameson of Salisbury and from whom, through their son David, descends a long line of peace-loving Quakers — honorable, upright men, faithful and worthy citizens when peace and goodwill prevailed, but willing to suffer persecution, imprisonment, or death for their simple faith; Lawrence and Cassandra Southwick, who were banished from the Colony, whose daughter Provided has been immortalized by Whittier; Samuel Gaskill, whom she married, who was imprisoned in Boston, and who endured untold suffering for his faith; their son Samuel, whose daughter Hannah married David Nichols, the great-great-grandfather of the subject of this sketch. The Nichols line remained true to the Quaker faith until it came to Captain Ichabod Nichols, a prominent shipping merchant of Salem, who sent four sons to Harvard and whose two daughters married distinguished Harvard graduates — Lydia, who was the mother of Benjamin Peirce, the world-famous mathematician, and Charlotte, who married Charles Sanders, who left a large bequest to Harvard College which was used in building Sanders Theatre in his memory. Captain Ichabod Nichols married out of the Quaker sect a Miss Lydia Ropes of Salem, and on the 12th of November, 1776, he with

his three brothers Samuel, Nathan, and Jonathan were publicly read out of Quaker meeting for "disorderly conduct" in taking an active part in the Revolution. Captain Nichols not only assisted with money, but he joined a company of militia formed in Salem the latter part of 1776, and marched to the Jerseys to reinforce the army of George Washington. Out of respect to his mother, who was Hannah Gaskill, he took no steps to declare his change of faith during her life, but after her death he became a member of the Old North Church of Salem.

From this strong Quaker ancestry may have come Dr. Nichols' quiet reserve and self-control, his simplicity of life, his dislike of ostentation or display, and his strict adherence to duty and to his high ideals of character.

His religion was that of quiet deeds rather than words. He early connected himself with the First Parish Unitarian Church, where, when his professional duties permitted, he was a regular attendant. He was a member of the Standing Committee from 1880 until 1902, Chairman from 1887 to 1902. He was the business head of the church and took part in all its activities. His picture now hangs in the room of the Standing Committee. He served on the Committee on the two hundred and fiftieth anniversary of the church. His breadth of interests and activity increased as the years went on.

When the Cambridge Hospital was opened in 1884, he was elected a visiting physician and was faithful in attendance until 1903, when, having reached the age limit, he resigned. Upon his resignation he was given a reception by the Hospital Staff at the Colonial Club and presented with a handsome silver loving cup as "a token of appreciation and regard." He continued to be a consulting physician until his death. He was visiting physician at the Avon Home for Destitute Children, and later on the Board of Managers. His services to the poor of Cambridge were long and faithful with, for many years, its attendant surgery. They were never made to feel the burden of their indebtedness, and he was ever ready to respond to their calls by night or day. In 1897 he was elected a member of the Board of Consultation of the Danvers Insane Hospital and served with energy and regularity until 1911, when he resigned. In 1901 he was appointed by the Governor a

Trustee of the Foxboro State Hospital for Dipsomaniacs and Inebriates and served until 1907. This required many trips to the hospital and much hard work upon questions of reorganization and administration.

He was on the Board of Managers of the Cambridge Anti-Tuberculosis Society and for several years its Treasurer.

He was generous and helpful to all the younger physicians and deeply interested in students, many of whom were placed directly under his care during their absence from home.

He was a member of the Massachusetts Medical Society and in touch with all the leading physicians, whom he was always glad and willing to call in consultation when he felt that new light might be thrown upon a case by other experience than his own. He was also a member of the American Medical Society; of the Cambridge Society for Medical Improvement; of the Boston Society for Medical Observation; of the Harvard Medical Alumni; Associate Member of the Boston Medical Library and of the Middlesex South District Medical Society, of which he was President in 1892. He wrote and delivered many papers upon cases and other medical subjects before these societies and various other organizations.

He delivered the Annual Discourse before the Massachusetts Medical Society, June 14, 1893, when his paper upon "The Misuse of Drugs in Modern Practice" attracted wide attention.

Besides the arduous duties of his profession, Dr. Nichols took an active interest in everything pertaining to the public good. He was a member of the Cambridge Common Council in 1874-1875.

He was a member of the Committee to visit the Stillman Infirmary of Harvard University.

On February 11, 1874, he was elected a member of the Cambridge Savings Bank Corporation before he was thirty-seven years of age, and although, as a rule, men eminent in the medical profession are not distinguished in finance, he was made a Trustee in 1876 and held this office until his death, a period of more than thirty-five years. Up to this time but two men had served in that capacity so long — Mr. James H. Wyeth was a Trustee for thirty-eight years and Mr. Andrew S. Waitt for fifty years. In point of service he was, at his decease, the oldest Trustee. He was an

Auditor from February 12, 1879, to February 10, 1886, and a member of the Board of Investment from February 13, 1884, to June 19, 1911, when he resigned on account of failing health. He was Vice-President from February 13, 1884, to February 10, 1886, and again from July 7, 1904, until the 10th of the following month, when he was elected President, which important position he filled with the most faithful attention to its duties until June 19, 1911, when he felt compelled to resign, not from waning interest in the bank's affairs, but because he was too conscientious to continue in so responsible a position after he found its duties were too arduous for him to perform. A little more than two months after his resignation he took "his chamber in the silent halls of death," but, from a most striking likeness that hangs on the walls of the rooms of the Corporation on Dunster Street, his benign face looks across to the counting-room where the officials of the bank attend to their daily tasks, and it is certain that, as long as those who labored under his wise and efficient guidance shall live, his example of probity and earnest solicitude for the interest of its patrons will be an inspiration to stimulate their desire to be also faithful to those who confide in the institution.

It was an oft-repeated question of his, "What can we do that is not already being done to ensure the safety of the funds entrusted to our care?" and he was never quite satisfied until legislation was enacted that made the auditing of such a character that it was practically impossible for any calamity to befall the bank.

Possibly no sketch of one's life is complete unless one's foibles are included, but after a business acquaintance of more than thirty-three years, the reader of this paper can say that few men were so free from them as Dr. Nichols. He once remarked that one of his family had told him that his bark was worse than his bite; his bark being always deserved might have caused an unpleasant sensation, but his bite was never severe enough to require a physician's cauterization. It was sometimes interesting to see the fire in his eyes when some proposition was made that might be open to misconstruction.

As a presiding officer Dr. Nichols seldom resorted to anything but mild measures to preserve order, but if a point arose that was left to the chair for decision, the justice of his ruling was never

questioned, because every one present knew it was decided according to the dictates of a conscience void of offense.

He was a Charter Member of the Cambridge Historical Society, a member of the Colonial Club of Cambridge, and an honorary member of the New Hampshire Society of the Cincinnati.

He allowed himself very little rest in summer or winter. He took a delightful trip abroad, in 1875, with his friend and neighboring physician, Dr. Alfred Hosmer, of Watertown, and while his letters were full of enthusiasm and pleasure in all he found to enjoy, both in art and nature, he improved much of his time in visiting hospitals and noting every improvement that he might bring back to his own work.

He also made two visits to Southern California, where his only brother, Willard Atherton Nichols, to whom he was bound by the strongest ties of affection, has made his home for many years, and where Dr. Nichols had an equal interest in what is now a beautiful and flourishing orange grove, planted by his brother and owing its success to his intelligence and care. During the last years of Dr. Nichols' life his brother had come east in summer to visit him in Cambridge, and he was with him when he died.

Throughout his long decline he was patient and uncomplaining, cheering those about him with his hopeful spirit. His loving, gentle wife was his only nurse, assisted by faithful Bridget, who met them at the door when they first crossed the threshold of their own home and who still remains to watch over and care for Mrs. Nichols. Few women have been so faithful, interested, and true, and she is regarded by all as a valued member of the household.

Dr. Nichols' only dread of death, of which he never talked, was the parting from those he loved. This he was mercifully spared, for the end came unawares while he was talking with one of his sons; and the day before his death he had greatly enjoyed a visit from his bright little grandson, Atherton, and his granddaughter, Helen, named for the Helen he so dearly loved.

He died at Little Boar's Head, New Hampshire, where for several years he had a summer home, on the 25th of August, 1911. His remains were taken to Cambridge and placed in his old home, where on the 29th of August private services were held, conducted

by Rev. Dr. Samuel M. Crothers, pastor of the First Parish Church, and later they were removed to the chapel at Mount Auburn for public services, which were largely attended by relatives and friends, and where Dr. Crothers paid a just and well-deserved tribute to the life, character, and worth of Dr. Nichols. The floral offerings from friends, patients, and various organizations with which he had been associated were numerous and beautiful beyond description.

The lesson of his life is one of fidelity, industry, and duty well performed. He was a man of keen insight and sound judgment, safe as well as skillful as a physician, reliable and constant as a friend.

At the conclusion of Mr. Allen's paper the meeting was dissolved.

At this meeting portraits of Sir Matthew Holworthy and Lady Holworthy by Sir Peter Lely were exhibited.

THE TWENTY-SIXTH MEETING

BEING THE EIGHTH ANNUAL MEETING

THE TWENTY-SIXTH MEETING, being the Eighth Annual Meeting, of THE CAMBRIDGE HISTORICAL SOCIETY was held the twenty-second day of October, nineteen hundred and twelve, at eight o'clock in the evening, in Room J, Emerson Hall, Harvard University.

Vice-President ANDREW MCFARLAND DAVIS presided. The minutes of the last meeting were read and approved.

The following persons were appointed a committee of three to nominate officers of the Society for the ensuing year: HOLLIS RUSSELL BAILEY, MOSES P. WHITE, and Rev. JOSEPH S. SWAIM.

The following reports were submitted and approved:

ANNUAL REPORT OF THE COUNCIL AND SECRETARY

BY vote of the Council of the Society, in this report are combined the annual report of the Council and that of the Secretary.

Except for the Higginson Memorial meeting on December 21, 1911, the year has been one of regular routine for the Society. The usual meetings of the Society have been held on the fourth Tuesdays of October, January, and April. The Council has met five times, on October 24, 1911, January 9, 1912, April 10, 1912, October 8, 1912, and October 22, 1912.

The same officers have served as during the preceding year, except that at the Annual Meeting Mr. Arthur Drinkwater was elected Secretary to take the place of Mr. Clarence Walter Ayer, resigned. After the death of Rev. Edward Henry Hall, Mr. Wil-

liam Roscoe Thayer was appointed by the Council to fill the vacancy in the office of Vice-President and Mr. Samuel Francis Batchelder was appointed a member of the Council.

Resignations have been received from Mrs. Caroline Eustis Peabody and Mrs. Annie Louise Locke Wentworth, regular members, and Mr. John White Treadwell Nichols, associate member. There have been elected to membership Mr. Arthur Drinkwater, Mrs. Joseph Skinner Swaim, Mr. Clarence Harold Poor, Mr. Edwin Sanford Crandon, Mr. Edwin Atkins Grozier, Mr. James T. Pugh, Rev. Joseph Skinner Swaim, Mrs. Alice Morrill White, Miss Mary Devens, Miss Francis Fowler, Mrs. Morris Longstreth, and Mr. Albert Harrison Hall.

With deep regret the Secretary records the death of our Vice-President, Rev. Edward Henry Hall.

On October 24, 1911, the Annual Meeting was held in Emerson Hall, through the courtesy of Harvard College. Officers were elected and reports of the Council and officers were presented. An interesting sketch of the life of Mrs. Josiah P. Cooke was read by Rev. George Hodges, Dean of the Episcopal Theological School. Professor Lewis Jerome Johnson of Harvard University addressed the meeting informally on "The New Charter of Cambridge, its History and Meaning," and illustrated the plan of preferential voting by means of a mock ballot participated in by the members present.

To commemorate the character and service of Thomas Wentworth Higginson, who was a member of this Society at the time of his death on May 9, 1911, a special meeting was held on December 21, 1911, in Sanders Theatre. The Committee which arranged and had charge of the meeting was composed of Mr. William Roscoe Thayer, Chairman, Mr. Richard Henry Dana, Mr. Hollis R. Bailey, Mr. Stoughton Bell, and Mr. Frank Gaylord Cook. Many distinguished persons were invited as guests and attended. The meeting was open to the public. President Richard Henry Dana in his introductory remarks spoke particularly about Colonel Higginson's work in politics, especially Cambridge politics. From among numerous letters received from invited guests who were unable to come Mr. William Roscoe Thayer read letters from Mr. H. M. Alden, editor of "Harper's Magazine," Rev. Henry Van Dyke, and Hon. James

Bryce. The following addresses were given: "The Radical Leader in Peace and War," by Hon. Samuel W. McCall; "The Helper of Woman's Cause," by Mrs. Lucia Ames Mead; "The Citizen and Neighbor," by Rev. Samuel M. Crothers; and "The Man of Letters," by Professor Bliss Perry. The meeting was a fitting tribute to the memory of a great and good man.

On January 23, 1912, the regular winter meeting was held in Emerson Hall. An amendment to Article XV of the By-Laws was adopted. Article XV now reads: "Article XV. Quorum. At meetings of the Society ten members, and at meetings of the Council four members, shall constitute a quorum." The meeting was devoted to the celebration of the one hundredth anniversary of Judge Joseph Story's appointment to the bench of the Supreme Court of the United States. In his introductory remarks President Dana commented on Story's life and work in Cambridge. Professor Roscoe Pound of the Harvard Law School, in an address on "Judge Story's Place in the Making of American Law," described the important effect which Story's writings had in preserving the principles of the English common law for the United States and in preventing the adoption of the doctrines of the continental codes.

At the spring meeting on April 23, 1912, four valuable papers were read: "An Historical Account of some Bridges over the Charles River," by Mr. Lewis M. Hastings, City Engineer of Cambridge; "The Building of Holworthy Hall in 1812," by Mr. William Coolidge Lane, Librarian of Harvard College; "The Petition of Daniel Stone in 1673, and some Account of his Family," by Mr. William E. Stone; and "A Sketch of the Life of Dr. J. T. G. Nichols," by Mr. Oscar F. Allen. At this meeting there were exhibited, through the courtesy of Harvard University, the portraits of Sir Matthew and Lady Holworthy, by Sir Peter Lely.

The Longfellow Centenary Prize Medal was awarded this year to Miss Althea Bemis, a pupil of the Cambridge High and Latin School, for her essay on "Longfellow's Narrative Poems." There were six contestants for the medal. On February 27, 1912, a meeting was held at the High and Latin School for the purpose of making the award. President Richard Henry Dana spoke briefly of Longfellow's character and high ideals. Mr. Clarence W. Ayer announced that Miss Bemis was the successful contestant. The

prize was presented by Mrs. Richard Henry Dana. The essay, excellently done and showing real appreciation of the subject, was read by the author. The subject for next year's competition is "Longfellow and the Wayside Inn."

At the last meeting of the Council, on October 22, 1912, it was voted that the Vice-President, Andrew McFarland Davis, be authorized to sign, on behalf of the Society, a memorial to the legislature petitioning to have printed the archives of the Commonwealth.

Owing to the fact that some of the papers read at our meetings could not be obtained from the authors until very recently, the publication of Volume VI of the Proceedings of the Society has been long delayed. The material is now, however, all but complete, most of it has been set up by the printer, and the volume will soon be ready.

The Council would welcome from members suggestions for programs for meetings, including subjects on which addresses might be given, exhibits of interesting matter connected with Cambridge history, and the like. It also reminds members that the Society will gladly receive gifts of old letters, documents, and records of historical interest.

Arthur Drinkwater,
Secretary.

October 22, 1912.

ANNUAL REPORT OF THE CURATOR

The copy of the annual report of the Curator, Mr. Clarence Walter Ayer, had not been received by the committee on publication at the time of his death.

ANNUAL REPORT OF THE TREASURER

In obedience to the requirements of the By-Laws the Treasurer herewith presents his Annual Report of the Receipts and Disbursements for the year 1911–1912.

CASH ACCOUNT

RECEIPTS

Balance, 20 October, 1911			$579.74
Annual Assessments: Regular Members	$462.00		
Associate Members	10.00	$472.00	
Interest		1.23	
Samuel F. Batchelder, toward expense of corrections on his paper on John Nutting		18.75	
Society's Publications sold		1.00	492.98
			$1,072.72

DISBURSEMENTS

The University Press, printing		$384.31
The Colonial Society of Massachusetts, paper used in printing Publications V		34.04
John Carter & Company, stationery		1.85
Clarence W. Ayer, distributing copies of Proceedings V and cash paid for postage, etc.		7.25
Hill, Smith & Company, stationery		3.35
F. W. Spear, printing notices of meetings, etc.		25.65
Thomas W. Higginson, Memorial Meeting:		
S. M. Farnum & Company, engraving	$17.00	
Bureau of Printing and Engraving, printing	16.85	
Caustic-Claflin Company, programs, tickets, and posters	8.75	
William R. Thayer, postage, etc.	15.10	
William H. Eveleth, taking tickets	1.50	
Harvard University, expenses at Sanders Theatre	15.42	74.62
Edna M. Bullard, stenography and typewriting		2.00
Ella S. Wood, cataloguing		3.00
Sarah L. Patrick, typewriting		7.50
M. L. Odiorne, clerical services rendered the Secretary		5.80
Harriet L. Horne, clerical services rendered the Treasurer		25.00
Bureau of Printing and Engraving		1.50
Mary Isabella Gozzaldi, expenses incurred in copying the Index to Paige's History of Cambridge		14.25
Postage and all petty items		13.61
Doll & Richards, hanging portrait of Sir Matthew and Lady Holworthy for exhibition at the April meeting		9.25
Samuel Usher, stamped envelopes		12.50
Balance on deposit, 18 October, 1912		447.24
		$1,072.72

Henry H. Edes,
Treasurer.

Boston, 18 October, 1912.

REPORT OF THE AUDITOR

I find the foregoing account from 20 October, 1911, to 18 October, 1912, to have been correctly kept and to be properly vouched. I have also verified the Cash Balance of $447.24.

Archibald M. Howe,
Auditor.

Boston, 22 October, 1912.

The report of the Committee on Nominations was read and accepted and the Committee was discharged.

The following persons, nominated by the Committee, were elected by ballot for the ensuing year:

President	Richard Henry Dana.
Vice-Presidents	Andrew McFarland Davis.
	Archibald Murray Howe.
	William Roscoe Thayer.
Secretary	Albert Harrison Hall.
Curator	Clarence Walker Ayer.
Treasurer	Henry Herbert Edes.

The Council.

Richard Henry Dana,
Andrew McFarland Davis,
Archibald Murray Howe,
William Roscoe Thayer,
Albert Harrison Hall,
Clarence Walter Ayer,
Henry Herbert Edes,
Hollis Russell Bailey,
Samuel Francis Batchelder,
Frank Gaylord Cook,
Mary Isabella Gozzaldi,
William Coolidge Lane,
Alice Mary Longfellow.

For the first topic of the meeting, Mary Isabella Gozzaldi read a paper entitled "Merchants of Old Cambridge in the Early Days."

Since another society has a prior right to publish this paper, it is not printed here. Out in VIII, 30.

For the second topic of the meeting Rev. Warner Foote Gookin read the following paper:

MAJOR-GENERAL DANIEL GOOKIN

Three hundred years ago, at a date still undetermined, one of the great men of Cambridge was born in England, — one who was great enough, at least, to deserve this passing tribute, the only recognition, I believe, to be given him in the tercentenary of his birth.

It is not my purpose this evening to set forth the details of Daniel Gookin's life. These will be found in fragmentary form in the biographical dictionaries, and need not be repeated in that fashion here. A thorough study of his life and letters, moreover, is soon to be published,[1] privately, by a distinguished member of the family in Chicago, Mr. Frederick W. Gookin, who has spent the leisure moments of many years in the study of the history of the members of the Gookin family. But I do hope, however, so to sketch the main features of my ancestor's life that some of the devoted students of the history of Cambridge gathered here will be aroused to renewed interest in the man whose name is already familiar enough to them.

When one speaks of Daniel Gookin to a company of Cambridge people, there is no need to specify further by describing him as the bearer of the title Major-General. But, for the sake of clearness, it is necessary to state that our interest this evening centers on this Daniel Gookin, and only incidentally on Daniel Gookin, his father, with whom we must begin; for much in the character of our Daniel Gookin can only be understood by connecting him with the brave adventurer who first bore the name.

Daniel Gookin the elder was sent out into the world by the spirit of adventure and discovery which aroused England in the first years of the seventeenth century. He was a man of Kent, of honorable ancestry, and apparently of means and influential con-

[1] Since this was written the book has appeared, in a form unusually attractive for such a work. Well printed, well written, and thorough, it unquestionably rises above the level of genealogical literature into the field of critical history. It is a real biography, the fruit of ripe scholarship.

nections. His first adventure took him to Ireland, where he purchased the castle and lands of Carrigaline, on the shores of Cork Harbor. His brother Vincent, later knighted, also held large possessions near Cork, and developed a considerable fortune there. Vincent is remembered for his bitterness against the Irish. Whether or no Daniel shared his brother's dislike for them does not appear; but clearly Daniel had hardly settled in Ireland before he began to think of further adventures in colonization. The London Company attracted him, and about 1619 he began negotiations, through agents, for terms in the matter of transportation of men and cattle for Virginia. His first offer was to transport five hundred men. The rule at the time was fifty acres for every man transported, with a cash payment for cattle. Daniel Gookin stipulated that he should be given a patent for as much land as had been granted to Sir William Newce, his friend and companion in the venture, of whom, however, little more is known. In November, 1621, Daniel Gookin, in a chartered fifty-ton vessel, the "Flying Hart," with fifty men, and thirty passengers, arrived in Virginia, and landed at Newport News, which, although named for his friend Newce, seems to have been regarded as the settlement of Daniel Gookin. At any rate, a few years later we find the family in possession of thousands of acres, at Newport News, and across the James River, in Nansemond, and the Lower Norfolk County.

In 1630, when our Daniel, of Cambridge, was eighteen years of age, he is found in Virginia in possession of the plantations of his father. Whether he came then, or earlier, has not yet been ascertained. Nor do we know anything of his education. In later years he shows himself a master of English style, and refers familiarly to Greek history; he was probably university-trained, in which case it is unlikely that he came to Virginia much before the first mention of his name. This occurs in an indenture of 1630, wherein he deeds to a certain Thomas Addison, late servant of his father, for good and honest service, one hundred and fifty acres, at Maries Mount, near Newport News.

One fact, however, can be stated with fair certainty. Early in his life he must have come under strong religious influences of the Puritan type. Less than a year after landing in Virginia the elder Daniel experienced the horrors of an Indian attack, with massacre

and butchery all about. Yet in the mind of the son no bitterness nor unreasoning animosity against the savages found place. For him the barbarity of the Indians was a call to evangelize them. And in years to come, as we shall note later, he was willing to suffer privation and abuse for the sake of his Indian friends.

The young man advanced rapidly in the new community. A marriage license issued to him in London in 1639 describes him as a widower, aged twenty-seven. There is nothing to indicate what lies back of this word — a tragedy, perhaps, following an infatuation or wild escapade of youth; perhaps, however, it was merely a clerk's error. In any case, Mary Dolling, called his second wife by all who have taken note of the record of the marriage license, was the mother of his children. In 1642, at thirty years of age, he was at the head of the Commissioners appointed to hold monthly court in Upper Norfolk. In that year he is also named as the Captain of one of the "trained bands" of the Colony. The extent of his landholdings has already been indicated; slaves and cattle there were undoubtedly in abundance.

The first crisis of his life came in the year 1644. In 1642 he joined, or perhaps led, the company of men who petitioned Massachusetts for three ministers. A vacancy in the Parish of Nansemond led to its division into three, for which the ministers from Massachusetts were desired. Cotton Mather's picturesque description of these men as missionaries, who journeyed to Virginia making converts, is perhaps true enough, from his point of view. But when, in the oft-quoted verses, he remarks

> "Gookins was one of these: by Thompson's pains,
> Christ and New England a dear Gookins gains,"

he is hardly accurate. Daniel Gookin had, along with others in Nansemond and lower Norfolk counties on the south of the James, showed decided leaning towards Parliament and to the Congregational form of worship, long before the coming of Thompson. And his removal to Massachusetts was occasioned not by the preaching of Thompson, but by the measures taken by Governor Berkeley to secure conformity to the Church of England in the parishes of Virginia.

Almost immediately upon his arrival in Boston, in his own ship,

he was admitted to the First Church, and made a freeman of the city. This was the beginning of a long life full of honors and responsibilities in the Massachusetts Colony. Whether these were merely the recognition of wealth and standing, or whether they were rewards for the achievements of character and worth, is a question. Two reasons operated, toward the close of his life, to rob him of his popularity and fame, — a loss from which his name seems never to have recovered. He lost his popularity because of his friendliness to the Indians. This was ten years before his death; and although during the following decade he was a devoted defender of the doomed Charter, what he regained in the way of popularity by that devotion was lost in the wreck of his party. He died a broken man, the zealous advocate of two lost causes. His importance in the early days of Cambridge has, of course, never been forgotten; but little has been said or written in recognition of his work with the Indians, or of his efforts to safeguard the constitutional liberties of our forefathers.

I think we are prepared to-day to admit that the early Colonists were hardly fair to their Indian neighbors. One man, only, as the history has been written, stands out because of his devotion to the Indians. The Charter obligations that called for evangelization as one of the chief privileges of the Colonists was as lightly regarded in religious Massachusetts as in cavalier Virginia. It is to the shame of the Colony, as a whole, that John Eliot is designated *the* Apostle to the Indians. And his work with them was done in addition to his necessary duties as minister of the gospel at Roxbury.

Daniel Gookin settled in Roxbury in 1644. Two years later, the General Court passed an order respecting the diffusion of Christianity among the Indians, and in the same year John Eliot, in "the forty-second year of his age, did intensely set upon the work of preaching Christ to the Indians in New England." This is noted by Daniel Gookin in his "Historical Collections," who in another place in the same work says: "I being his neighbor and intimate friend, at the time he first attempted this enterprise, he was pleased to communicate unto me his design, and the motives that induced him thereunto." Clearly, then, even though the original determination was conceived in the mind of Eliot, the great

purpose was nurtured in the friendship of the two minds, — Eliot the minister, and Gookin the layman.

Eliot's work we all know; further, we all have noted the statement made in the histories that in 1656 the General Court empowered one of their number to keep a higher court among the Indians every three months. To this work Daniel Gookin, aged forty-four, and a magistrate of four years' standing, was appointed. With the exception of three years spent in England he served as Indian Commissioner until his death. Eliot taught, while Daniel Gookin ruled, the praying Indians. Together, without compensation, they made "many weary journeys among them nearest and under sundry trials, when forced to lodge in their woods and wigwams." Surely these two figures both radiate light in the dark history of our dealings with the Indians. Eliot carried the Gospel; but just as impressive is this devoted servant of the State, carrying English justice into the depths of the forest, in the name of Christ.

But this devotion was to cost him dear, if the applause of the multitude is to be counted a desirable possession. In 1675 King Philip's War broke out; and the Colonists were compelled to take bloody punishment for their arrogance and their indifference to the religious welfare of the savages. Not that they so regarded the war; for it called forth, very naturally perhaps, the bitterest antagonism to all Indians. Immediately the situation of the praying Indians became desperate. Cursed by their tribesmen for their friendship for the English, they were threatened and maltreated by their supposed friends. I think we get here some indication of the hold that Daniel Gookin had gained over them. When we read how they were herded together on Deer Island to protect them from the mobs, with insufficient food and clothing, under unnatural conditions for them, cold and miserable, because of their devotion to the English, we are more than a little astonished. Religious conviction is hardly enough to account for the situation. They had realized the significance of the Commonwealth, and had placed themselves under its protection. Over against the rabble stood the General Court, which to them meant Daniel Gookin. For twenty years he had settled their squabblings and maintained order among them. It was the victory of the white man's justice, in the person of Daniel Gookin.

The Commissioner had apparently the support of the whole Court as well as of the leading people in his friendship for the Indians, but the bitterness of the community in general is remarkable. He and his loyal friend Danforth were threatened with death in public posters, and abused with the vilest language in private. "God rot his soul . . . he is the devil's interpreter . . . it were no matter if Mr. Danforth and Major Gucking were both hanged" are some of the quotable expressions preserved. In 1676, for the only time Daniel Gookin failed of election to the General Court. He was re-elected, but never later could he become a popular hero. John Eliot had found honor justly; but the main source for what we know of his work is the history written by his friend Daniel Gookin, whose reserve as to his own share in that work was never supplemented by the report of a contemporary. Yet surely it is worthy a better mention in our modern histories.

I am passing over the events that make up the progress of his life. His removal to Cambridge and his prominence here are interesting, but not significant beyond what has already been developed. His share in the town government can be gauged by reference to the public records of the town and selectmen; his military career, in which discipline and efficient supervision are the noteworthy features rather than any share in actual warfare, is fairly well known. A glance at the early indices of the records of Cambridge and Boston will show his share in the public life. He was an active man, engaged in many affairs of importance, both in Cambridge and the General Court, where he served as magistrate for thirty-odd years. During all this time he lived on his own fortune, whatever it may have been. He was frequently honored, to be sure, with considerable grants of land, which may have given him an income. In any case he lived with some elegance, building for himself a house, as many here know, that served the next generation as a social center. He seems to have been arbitrary in his dealings with men, and full of the dignity of importance. He called forth none of the ardent affection with which a community designates its truly great men, but their respect he commanded as a matter of course. Intimate friends, too, he seems to have had — Eliot we have mentioned, who was ten years his senior. Thomas Danforth, ten years his junior, seems to have been a particularly devoted adherent as well as next-door neighbor. Gookin and Danforth are inseparable names in the records of the General Court, occurring countless times in that order, until Danforth was elected Deputy Governor. Even then Danforth seems to have leaned heavily on his older friend. I emphasize this, because the casual historian, rating Danforth the leader because of his office, fails to note that Gookin's leadership during all the earlier years in many enterprises could hardly have been entirely reversed when the two took counsel together in their struggle for constitutional independence.

This brings us to the other phase of Daniel Gookin's life that is interesting to our age, his share in the charter struggles of the early colony. There in even clearer light we discern the greatness of the man's passion for liberty and justice.

Daniel Gookin was no favorite with royalty. That he had entertained Whaley and Goffe had been early communicated to Charles II by Randolph, who writes to his Sovereign that the regicides "and other traitors were kindly received and entertained by Mr. Guggins and other magistrates." Daniel Gookin was likewise well known to Cromwell, who laid an important though necessarily fruitless mission upon him, — to bring about the removal of the Massachusetts colonists to Jamaica. Yet when Daniel Gookin sent his "Historical Collections" of the Indians to England, he boldly dedicated it to his dread Sovereign, as a testimony of his "affection," desiring to be reckoned among the number of his Majesty's "most dutiful and loyal subjects." But that was in 1674, when the liberties guaranteed by the Charter were not for the moment seriously threatened.

Six years later that same brave old man wrote words that should go ringing down through history, as have those of men who echoed them. They are not contained in an official document, but the original manuscript is in the possession of the Massachusetts Historical Society. It is a statement prepared by Daniel Gookin for the guidance of a committee appointed to draft instructions for agents to be sent to England; it is written, as one sentence intimates, with the thought that the document itself might be sent to England in lieu of agents. Whether it was or not, I do not know; but one thing I think is clear, — the hand that wrote that

four-page document is the hand that guided the policy followed by the General Court.

Thus he writes, urging that no agents be sent:

1. "Because this pr'cedent, in conceding to send Agent or Agents for the tryalls, and to Answer particular complaints and claymes in England, before his ma'tie, touching pproprieties [companies], will (as I humbly conceue) have a tendency, if not certenly subuert and destroy the mayne nerves of o'r Government and Charter, lawes and liberties. Besides (as I apr'hend) it wil bereaue us of o'r liberties as Englishmen, (confirmed many times by magna charta, who are to bee tryed in all their concernes, ciuil, or criminal by 12 honest men of the neighbourhood, under oath and in his ma'ties Courts, before his sworn Judges and not before his ma'ties Royal person; surely o'r com'g 3 thousand miles under security of his ma'ties title, and by his good leave to plant this howling wilderness, hath not deuested us of that native liberty w'h o'r countrymen injoy. Now if Mr. Mason haue any claime to make, of any man within this jurisdiction, his ma'ties Courts heere established by charter are open to him: And hee may implead any man yt doth him wrong before ye Jury and sworne Judges; according to law and pattent heretofore and lately confirmed by his Royal ma'tie as under his signet doth or may appeare."

. . . . . .

"2: I verily Belieue yt so gracious a prince as o'r king is will bee very slow to deal so seuerely against his poore loyall subjects yt Are not conscious wee haue shewed any disloyalty to him or his pr'desc'rs, nor have been unwilling to obey him in the lord. But when the case is so circumstanced yt we must be Accounted offenders, or Ruine o'rselues; of 2 evels ye least is to be chosen.

"3. But if it should bee soe yt wee must suffer in this case wee may have ground to hope yt God o'r father in Cht will support and comfort us in all o'r tribulations and in his due time deliuer vs. Much more might be s'd Touching the pr'my'es. But I have been too tedious And longer yn I intended for wch I crave yr pardon and humbly intreat a candid construction of this paper a coveringe of all the imperfections yr off: This case, as is aboue hinted, is very momentous and therefore I intreat you candidly to peruse what is s'd, if there bee little waight in it (as some may thinke) it is satisfactory to me, that I haue offered it to yr consideration, and yt I have in this great cause (before I goe hence and bee no more wch I must shortly expect) giuen my testimony and declared my judgment in this great concerne of Jesus Cht, To whom I commit all and yorselues also desiring him to be to you as hee is in himselfe, the mighty counsellor, King of Kings and Lord of Lords.

I remain your most humble seruant and His ma'ties most Loyal Subject,

DANIEL GOOKIN, Sen'r."

But the struggles of the Charter party were unavailing. Too many in the Colony had not yet realized that the cause of liberty was at stake; when the news came that the patent had been forfeited, there was nothing but tame submission.

One year later, Daniel Gookin died, a broken man. He had written seditious words, but none had taken them up as the battle-cry of rebellion. Another century of preparation was necessary before that should come. So Daniel Gookin was laid away in Cambridge in an honorable but little noticed sepulcher, — the friend of despised Indians, the defender of liberties, little desired by the men of his generation.

What can we say further? He was not a hero, he accomplished nothing. To this very day we use the Indians shamefully; and to other men belongs the glory of having won our liberties by their blood. But in his day Daniel Gookin served his God and his State with wisdom and devotion. What more can man do? So we think of him this evening, the three hundredth year since his birth. And may I, as one of his few descendants, bearing his name, thank you for this privilege you have given me of talking to you about him, well convinced that he is worthy of your more intimate knowledge.

At the conclusion of Rev. Mr. Gookin's paper the meeting was dissolved.

GIFTS TO THE SOCIETY

Owing to the untimely death of the Curator, Mr. Clarence Walter Ayer, the preparation of the list of gifts has been delayed and its publication is postponed to the next volume of proceedings.

NECROLOGY

The original obituary sketches are on file in the Society's archives.

Foote, Mary Bradford, was born in Windsor, Vt., March 26, 1827. She was descended from Nathaniel Foote, who was one of the pioneer settlers of Watertown, Mass., and later on of Weathersfield, Conn. Her grandfather, George Foote, was one of the pioneer settlers, first of Castleton and afterwards of Bennington, Vt., and was with Colonel Ethan Allen when on May 10, 1775, he demanded the surrender of Ticonderoga, in the name of the Continental Congress. Her mother was Rosa Hutchins of Bath, N. H.

The Foote family moved from Windsor, Vt., to Cambridge, when Miss Foote was about fifteen years old. Here she attended Mr. Austin's school in Farwell Place. Afterwards she became for a short time both pupil and teacher (of Latin) in Mr. George B. Emerson's school in Pemberton Square, Boston. While still very young she did excellent mathematical work on *The Nautical Almanac* under the direction of Admiral Davis. After spending several years abroad with Mrs. Sarah P. Cleveland of Nutwood, Jamaica Plain, she established in the early sixties a school for young ladies in West Cedar Street, Boston, from which she retired in 1885. From 1885 till 1910 Miss Foote lived much abroad. The last two years of her life were spent in Cambridge where she died February 3, 1912.

The Rev. Edward Henry Hall died in Cambridge February 22, 1912. He was the eldest son of the Rev. Edward Brooks Hall and Harriet (Ware) Hall and was born in Cincinnati, Ohio, April 16, 1831. He fitted for college at the High School in Providence, Rhode Island, where his father was settled for more than thirty years as the pastor of the Unitarian Church. He graduated from Harvard with the class of 1851. He attended the Harvard Divinity School, where he graduated in 1855. In 1902 Harvard conferred on him the degree of S.T.D. He was a member of the Massachusetts Historical Society and served as a member of its Council for two years following the Annual Meeting of 1907. Mr. Hall held three pastorates over Unitarian churches — the first at Plymouth, the next at Worcester, and the last in Cambridge. He was installed as minister of the First Parish and First Church in Cambridge

(Unitarian) March 30, 1882. He resigned his pastorate March 31, 1893. Mr. Hall was strong mentally, morally, and physically. He was public-spirited and interested in all that concerned the welfare of his country. He was fond of the fine arts and made a critical study of painting and of things closely connected with that subject. He was much beloved by those who knew him well, and all were sorry when he felt that it was best that he should retire from the ministry.

Vaughan, Benjamin, was the son of William Manning Vaughan and of Anne (Warren) Vaughan, who was a great-niece of General Joseph Warren of Revolutionary fame. He was born in Hallowell, Me., November 3, 1837, and died in Cambridge July 2, 1912. He married on May 8, 1864, in Philadelphia, Anna Harriet Goodwin, daughter of the Rev. Daniel R. Goodwin, former President of Trinity College, and then Provost of the University of Pennsylvania. He attended school at the Hallowell Academy; removed to Cambridge in 1857 and entered the office of Jerome G. Kidder, who did a commission business in oil and coal. He rose to be a partner of Mr. Kidder, and finally he established, and was president of, the Beacon Oil Company. This became the Oil Company for New England, which he sold out nearly thirty years ago. Mr. Vaughan permanently retired from the oil business, but continued his commission business in coal, under the firm name of Vaughan & Mann, until January 1, 1912, when he dissolved the partnership. On his retirement, he was the oldest coal merchant in Boston, having a record of over 54 years. In 1863 he joined the Home Guard in Cambridge, and was commissioned first lieutenant in the 61st Massachusetts Volunteers under Col. Charles F. Walcott. He was dangerously wounded before Petersburg in 1865, and retired with a captain's brevet. Mr. Vaughan took part in various Cambridge interests. He was the director of the Cambridge Trust Company; treasurer of the Longfellow Memorial Association; and a promoter of the Cambridge Coffee House Association. For more than 40 years he worshipped at St. John's Memorial Church (Episcopalian), Cambridge, and was the last survivor of the original Association of the Congregation. He was one of the founders and an active supporter of the Old Cambridge Dramatic Club; a member of the Commercial and Union Club, Boston; of the Brookline and Oakley Country Club; of the Eastern, Massachusetts and Portland Yacht Clubs; of the Colonial Club of Cambridge; of several shooting clubs; and of a Cambridge Dining Club. He resided at 57 Garden St. His widow and two children — Miss Bertha H. and Henry G. (H. C. 1890) survive him.

OFFICERS OF THE SOCIETY

1912–1913

President	Richard Henry Dana
Vice-Presidents	Andrew McFarland Davis
	Archibald Murray Howe
	William Roscoe Thayer
Secretary	Albert Harrison Hall
Curator	Clarence Walter Ayer
Treasurer	Henry Herbert Edes

The Council

Richard Henry Dana — Andrew McFarland Davis
Archibald Murray Howe — William Roscoe Thayer
Albert Harrison Hall — Clarence Walter Ayer
Henry Herbert Edes — Hollis Russell Bailey
Samuel Francis Batchelder — Frank Gaylord Cook
Mary Isabella Gozzaldi — William Coolidge Lane
Alice Mary Longfellow

COMMITTEES APPOINTED BY THE COUNCIL

1912–1913

On the Early Roads and Topography of Cambridge.

Stephen Paschall Sharples, Edward John Brandon,
Edward Russell Cogswell.

On the Collection of Autograph Letters of Distinguished Citizens of Cambridge.

Albert Bushnell Hart, William Coolidge Lane,
Henry Herbert Edes.

On Sketches of Noted Citizens of Cambridge.

Mary Isabella Gozzaldi, Edward Russell Cogswell,
Samuel Francis Batchelder.

On the Collection and Preservation of Printed and Manuscript Material.

William Coolidge Lane, Clarence Walter Ayer,
Edwin Blaisdell Hale.

Of Publication.

Clarence Walter Ayer, William Coolidge Lane,
Henry Herbert Edes.

On Memoirs of Deceased Members.

William Roscoe Thayer, Hollis Russell Bailey.

On the Collection of Oral Tradition and Early Letters and other Documents of Citizens of Cambridge.

Mary Isabella Gozzaldi,
Margaret Jones Bradbury, Grace Owen Scudder,
Elizabeth Ellery Dana, George Grier Wright,
Mary Helen Deane, Susanna Willard.

To Audit the Accounts of the Treasurer.

Andrew McFarland Davis.

On the Longfellow Centenary Medal Prize.

William Roscoe Thayer,
Edward Bangs Drew, Clarence Walter Ayer.

REGULAR MEMBERS

Abbot, Marion Stanley
Allen, Flora Viola
Allen, Frank Augustus
Allen, Mary Ware
Allen, Oscar Fayette
Allison, Carrie Josephine
Allison, Susan Carlyle
Aubin, Helen Warner
Aubin, Margaret Harris
Ayer, Clarence Walter

Bailey, Hollis Russell
Bailey, Mary Persis
Bancroft, William Amos
Barnard, Clara Everett
Batchelder, Samuel Francis
Beale, Joseph Henry
Bell, Stoughton
Bigelow, Francis Hill
Bigelow, Melville Madison
Bill, Caroline Eliza
Blake, James Henry
Blish, Ariadne
Blodgett, Warren Kendall
Bradbury, Margaret Jones
Bradbury, William Frothingham
Brandon, Edward John
Brock, Adah Leila Cone
Brooks, Arthur Hendricks
Bulfinch, Ellen Susan
Bumstead, Josephine Freeman

Carruth, Anna Kent
Carruth, Charles Theodore
Cary, Emma Forbes
Clark, Elizabeth Hodges
Coes, Mary
Cogswell, Edward Russell
Cook, Frank Gaylord
Corne, William Frederick
Cox, George Howland
Crandon, Edwin Sanford
Crothers, Samuel McChord
Cutter, Watson Grant

Dallinger, William Wilberforce
Dana, Edith Longfellow
Dana, Elizabeth Ellery
Dana, Henry Wadsworth Longfellow
Dana, Richard Henry
Davis, Andrew McFarland
Davis, Eleanor Whitney
Deane, George Clement
Deane, Mary Helen
Deane, Walter
Devens, Mary
Dodge, Edward Sherman
Drew, Edward Bangs
Drinkwater, Arthur
Dunbar, William Harrison
Durrell, Harold Clarke

Edes, Grace Williamson
Edes, Henry Herbert
Eliot, Charles William
Eliot, Grace Hopkinson
Eliot, Samuel Atkins

Ellis, Helen Peirce
Emerton, Ephraim
Evarts, Prescott

Farlow, Lilian Horsford
Fenn, William Wallace
Fessenden, Marion Brown
Fiske, Ethel
Foote, Mary Bradford
Forbes, Edward Waldo
Ford, Lilian Fisk
Ford, Worthington Chauncey
Foster, Francis Apthorp
Fowler, Frances
Fox, Jabez
Foxcroft, Frank

Gamwell, Edward Francis
Goodwin, Amelia Mackay
Gozzaldi, Mary Isabella
Gray, Anna Lyman
Gray, John Chipman
Grozier, Edwin Atkins

Hale, Edwin Blaisdell
Hall, Albert Harrison
*Hall, Edward Henry
Hall, William Stickney
Harris, Elizabeth
Hart, Albert Bushnell
Hayes, William Allen
Hill, Frederic Stanhope
Hodges, George
Hoppin, Eliza Mason
Horsford, Katharine
Houghton, Alberta Manning
Houghton, Elizabeth Harris
Houghton, Roseryss Gilman
Howe, Archibald Murray
Howe, Arria Sargent Dixwell
Howe, Clara
Hubbard, Phineas

Irwin, Agnes

Jackson, Robert Tracy

Kellner, Maximilian Lindsay
Kendall, George Frederick
Kershaw, Justine Houghton
Kiernan, Thomas J

Lamb, Harriet Farley
Lane, William Coolidge
Leavitt, Erasmus Darwin
Longfellow, Alice Mary
Longfellow, William Pitt Preble
Longstreth, Mary Olivia
Lowell, Abbott Lawrence

Marcou, Philippe Belknap
McDuffie, John
McIntire, Charles John
McKenzie, Alexander
Melledge, Robert Job
Merriman, Dorothea Foote
Merriman, Roger Bigelow
Mitchell, Emma Maria
Morison, Anne Theresa
Morison, Robert Swain
Munroe, Emma Frances
Myers, James Jefferson

Norton, Grace
Norton, Margaret
Noyes, James Atkins

Paine, James Leonard
Paine, Mary Woolson
Parker, Henry Ainsworth

* Deceased.

Parlin, Frank Edson
Parsons, Caroline Louisa
Perrin, Franklin
Pickering, Anna Atwood
Pickering, Edward Charles
Pickering, William Henry
*Piper, William Taggard
Poor, Clarence Harold
Potter, Alfred Claghorn
Pugh, James Thomas

Rand, Harry Seaton
Read, Elise Welch
Read, John
Read, William
Reardon, Edmund
Reid, William Bernard
Robinson, Fred Norris
Ropes, James Hardy
Runkle, John Cornelius
Russell, Etta Lois

Saunders, Carrie Huntington
Saunders, Herbert Alden
Sawyer, Dora Wentworth
Sawyer, George Augustus
Sawyer, George Carleton
Scudder, Grace Owen
Seagrave, Charles Burnside
Sharples, Stephen Paschall
Smith, Emma Griscom
Stearns, Genevieve
Stone, William Eben
Storer, Sarah Francis
Swaim, Caroline Tiffany
Swaim, Joseph Skinner
Taylor, Frederic Weston
Thayer, William Roscoe
Thorp, Joseph Gilbert
Ticknor, Florence
Ticknor, Thomas Baldwin
Tillinghast, William Hopkins
Tindell, Martha Willson Noyes
Toppan, Sarah Moody
Turner, Frederick Jackson

Vaughan, Anna Harriet
*Vaughan, Benjamin

Walcott, Anna Morrill
Walcott, Robert
Ware, Thornton Marshall
Washburn, Henry Bradford
Wesselhoeft, Mary Leavitt
Wesselhoeft, Walter
White, Alice Maud
White, Moses Perkins
Whittemore, Isabella Stewart
Whittemore, William Richardson
Willard, Susanna
Williams, Olive Swan
Winlock, Mary Peyton
Worcester, Sarah Alice
Wright, George Grier
Wyman, Mary Morrill
Wyman, Morrill

Yerxa, Henry Detrick

* Deceased.

ASSOCIATE MEMBERS

Barker, John Herbert
Carter, Charles Morland
Davenport, Bennet Franklin
Felton, Eunice Whitney Farley
Goodwin, Elliot Hersey
Leverett, George Vasmer
Lovering, Ernest
Wadhams, Caroline Reed

HONORARY MEMBERS

Choate, Joseph Hodges
Howells, William Dean
Rhodes, James Ford

BY-LAWS

I. Corporate Name.

THE name of this corporation shall be "The Cambridge Historical Society."

II. Object.

The corporation is constituted for the purpose of collecting and preserving Books, Manuscripts, and other Memorials, of procuring the publication and distribution of the same, and generally of promoting interest and research, in relation to the history of Cambridge in said Commonwealth.

III. Regular Membership.

Any resident of the City of Cambridge, Massachusetts, shall be eligible for regular membership in this Society. Nominations for such membership shall be made in writing to any member of the Council, and the persons so nominated may be elected at any meeting of the Council by a vote of two-thirds of the members present and voting. Persons so elected shall become members upon signing the By-Laws and paying the fees therein prescribed.

IV. Limit of Regular Membership.

The regular membership of this Society shall be limited to two hundred.

V. Honorary Membership.

Any person, nominated by the Council, may be elected an honorary member at any meeting of the Society by a vote of two-thirds of the members present and voting. Honorary members shall be exempt from paying any fees, shall not be eligible for office, and shall have no interest in the property of the Society and no right to vote.

VI. Associate Membership.

Any person not a resident, but either a native, or formerly a resident for at least five years, of Cambridge, Massachusetts, shall be eligible to

associate membership in the Society. Nominations for such membership shall be made in writing to any member of the Council, and the persons so nominated may be elected at any meeting of the Council by a vote of two-thirds of the members present and voting. Associate members shall be liable for an annual assessment of two dollars each, payable in advance at the Annual Meeting, but shall be liable for no other fees or assessments, and shall not be eligible for office and shall have no interest in the property of the Society and no right to vote.

VII. Seal.

The Seal of the Society shall be: Within a circle bearing the name of the Society and the date, 1905, a shield bearing a representation of the Daye Printing Press and crest of two books surmounted by a Greek lamp, with a representation of Massachusetts Hall on the dexter and a representation of the fourth meeting-house of the First Church in Cambridge on the sinister, and, underneath, a scroll bearing the words *Scripta Manent.*

VIII. Officers.

The officers of this corporation shall be a Council of thirteen members, having the powers of directors, elected by the Society, and a President, three Vice-Presidents, a Secretary with the powers of Clerk, a Treasurer, and a Curator, elected out of the Council by the Society. All the above officers shall be chosen by ballot at the Annual Meeting, and shall hold office for the term of one year and until their successors shall be elected and qualified. The Council shall have power to fill all vacancies.

IX. President and Vice-President.

The President shall preside at all meetings of the Society and shall be Chairman of the Council. In case of the death, absence, or incapacity of the President, his powers shall be exercised by the Vice-Presidents, respectively, in the order of their election.

X. Secretary.

The Secretary shall keep the records and conduct the correspondence of the Society and of the Council. He shall give to each member of the Society written notice of its meetings. He shall also present a written report of the year at each Annual Meeting.

XI. Treasurer.

The Treasurer shall have charge of the funds and securities, and shall keep in proper books the accounts, of the corporation. He shall receive and collect all fees and other dues owing to it, and all donations and testamentary gifts made to it. He shall make all investments and disbursements of its funds, but only with the approval of the Council. He shall give the Society a bond, in amount and with sureties satisfactory to the Council, conditioned for the proper performance of his duties. He shall make a written report at each Annual Meeting. Such report shall be audited prior to the Annual Meeting by one or more auditors appointed by the Council.

XII. Curator.

The Curator shall have charge, under the direction of the Council, of all Books, Manuscripts, and other Memorials of the Society, except the records and books kept by the Secretary and Treasurer. He shall present a written report at each Annual Meeting.

XIII. Council.

The Council shall have the general management of the property and affairs of the Society, shall arrange for its meetings, and shall present for election from time to time the names of persons deemed qualified for honorary membership. The Council shall present a written report of the year at each Annual Meeting.

XIV. Meetings.

The Annual Meeting shall be held on the fourth Tuesday in October in each year. Other regular meetings shall be held on the fourth Tuesdays of January, and April of each year, unless the President otherwise directs. Special meetings may be called by the President or by the Council.

XV. Quorum.

At meetings of the Society ten members, and at meetings of the Council four members, shall constitute a quorum.

XVI. Fees.

The fee of initiation shall be two dollars. There shall also be an annual assessment of three dollars, payable in advance at the Annual Meeting; but any Regular Member shall be exempted from the annual payment if at any time after his admission he shall pay into the Treasury Fifty Dollars in addition to his previous payments; and any Associate Member shall be similarly exempted on payment of Twenty-five Dollars. All commutations shall be and remain permanently funded, the interest only to be used for current expenses.

XVII. Resignation of Membership.

All resignations of membership must be in writing, provided, however, that failure to pay the annual assessment within six months after the Annual Meeting may, in the discretion of the Council, be considered a resignation of membership.

XVIII. Amendment of By-Laws.

These By-Laws may be amended at any meeting by a vote of two-thirds of the members present and voting, provided that the substance of the proposed amendment shall have been inserted in the call for such meeting.

HECKMAN
BINDERY INC.
JUL 90
N. MANCHESTER,
INDIANA 46962